



MARY DAVIES AND
THE MANOR OF EBURY



Michael Dahl pinxit

Emery Walker, ph. sc.

*Mary, daughter of Alexander Davies
and wife of Sir Thomas Grosvenor, Baronet*

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Mary Davies and the Manor of Ebury

By Charles T. Gatty, F.S.A.

Author of "Recognita, George Wyndham"

"I believe that if the history of any one family in upper or middle life could be faithfully written, it might be as generally interesting, and as permanently useful, as that of any nation, however great and renowned."

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MARY DAVIES AND THE MANOR OF EBURY

SIR THOMAS GROSVENOR AND LOCAL GOVERNMENT

NO city in England has such a flavour of antiquity as Chester. Its walls are more complete than any in Great Britain, and the Roman remains are as important as those of the Middle Ages. The ancient streets with timbered fronts and sheltered rows, expressing the lights and shadows of human life, are as pregnant with history and mystery as the pages of an early chronicle. The houses lean towards each other as if they whispered in their anecdotage the gossip of past ages, "fondly garrulous of better days." Nor have the passing centuries changed things so very much. The Established Church is there, so are the Nonconformists, and the Catholics: so too are the Tories and the Radicals, and there still lie encamped round about the Egertons, Cholmondeleys, Leighs and Grosvenors, "as thick as leaves in Vallombrosa." But the old city, conscious of having harboured the legions of Hadrian and Vespasian, smiles from its sandstone battlements at the claims of Saxon and Norman descent among its neigh-

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bouring gentry. Not to them did Chester owe its primal importance. It was great "before the Saxon set foot in Britain," solely from its geographical position. It was a fortress on a sandstone rock, with open sea way to its very walls, and tidal river round about it; and its value as a military camp gave it front rank during the Roman occupation. It was not Man-chester, or Dor-chester, or any other Chester, it was *the* Chester.

This military importance caused William the Conqueror to give an almost sovereign independence to the County Palatine. If historians differ as to the precise form of authority granted to the Norman Earls of Chester, how far it continued existing powers, or initiated fresh ones, it is allowed by all that what was given amounted to a generous measure of Home Rule, in return for which the county was expected to protect the north-west of England from incursions by the Welsh.

According to Mr. H. D. Harrod (*Archæologia*, Vol. 57), "The earl held his own parliament at Chester, and neither the city nor county sent representatives to the king's parliament. The earl summoned to his Chester parliament eight barons and a corresponding number of bishops and abbots." Besides this, Chester had its own courts of law, of which Jeffreys was Chief Justice in Sir Thomas Grosvenor's time.

No wonder, then, if there was a deeply rooted tradition of local government in the county and among its magnates. England is the realm of Local Government. "The great outlines of local government in England," writes Mr. Jenks, "were drawn ages before central

government (as we understand it) came into existence . . . and it was, in fact, only by an integration or union of these smaller groups that England became a nation at all." The words Shire, Hundred, Township, and Riding, stand for ancient centres of local administration. They have been the schools in which Englishmen have taught themselves the art of self-government, and acquired a sense of political freedom. From time to time monarchs have attempted to limit the powers of these ancient Liberties, with results generally fatal to the Crown.

Though Chester did not owe its primal importance to its neighbouring gentry, it came in the course of time, with the whole county, to be dependent upon them for military service, and when this came to an end for local government. In times when Chester involved a journey of some days from the capital, it was essential there should be an efficient and reliable local government, led by the large landowners, whose interest it was to preserve the public peace. Lord Beaconsfield spoke of the local sentiment in man as "the strongest passion in his nature," and there is profound truth in what he said. English families did dig themselves into patches of property and cling to them for centuries. Even the most recently ennobled call themselves after those "pitiful concretions of lime and clay which spring up in mildewed forwardness out of the kneaded fields about our capital," and Brixton and Bermondsey nowadays come into line with Norfolk and Suffolk.

In 1684, Sir Thomas, as Mayor of Chester, promoted the surrender to the Crown of the ancient charter of the

city, and a similar process was gone through among all the boroughs of England. "The King remodelled the corporations at his pleasure, filled them with his creatures, and became master of the urban representation." "The electorate of Cornwall, which had forty-four petty boroughs, was openly packed with guardsmen." (Goldwin Smith.) James II, says the *Annals of England*, dissolved Parliament 2 July, 1687, trusting to corrupt dealing with the corporations to have a new Parliament more favourable to his views. "The charters of most Corporations had been either seized or surrendered within the last few years, and when re-granted, such alterations were made by a Board of Regulators as promised to convert them into nomination boroughs for the Crown."

The same important problem was raised at a later date over the election of city aldermen. It was started in 1693, by a democratic mayor, Colonel Roger Whitley, who held that the freemen should elect, instead of aldermen electing each other. Sir Thomas opposed Col. Whitley, resigned his seat as alderman, and his arms were removed from the Pentice Hall, where the Council sat. Whitley claimed that a new charter, given by Charles II in 1684-5, when Sir Thomas was mayor, and greatly through his influence, had revived the intention of a charter of Henry VII, that the election of aldermen and common councilmen should be by the citizens at large. Whitley won, and the new system obtained till October, 1697, when, according to Mr. Ball, "the Council repented of their previous decision . . . and declared the election of Aldermen by the freemen 'to

be very tumultuous and inconvenient' . . . and they resorted to the old method of election." In a celebrated law suit 100 years later, the King *versus* Amery and Monk, much of this old dispute was unearthed, and a decision was given in favour of the aldermen electing each other.

In his 21st year Sir Thomas was made a freeman of the city of Chester, and elected alderman in the year following. He served as mayor, 1684-5, and sat in six parliaments as member for the City. In 1677, on election as alderman, complying with the standing orders of the Council, he presented the Corporation with a silver tankard, still preserved among its treasures. The payment for this is among his accounts:—"Pd Mr. Peeter Edwardes Gouldsmyth of Chester for one silver flaggon and the ingraving of it and for ingraveing of the dogges collar £23 0 0."

From the Municipal archives at Chester we get some notion of the subjects dealt with by the Council. They are of local interest, and refer to the repair of the city walls, or are petitions of traders asking for restraints upon external rivals, such as the barbers, who, in 1688 plead for "restraint upon all foriners for makeing and selling of Perrywigs within this city." On 15 July, 1679, it was ordered that £20 be paid to Randle Holme, painter, "in full satisfaction of all his disbursements and other charges about the Gyants and other Pageants for the Midsummer Shew intended to have been observed in 1677, and whereof a noate of particulars was produced and read in this Assembly."

In 1690 officials are appointed to wait upon King

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William at Poole, "and learn whether His Majesty will be pleased to take this City in his way"; and "In case it shall please His Majesty to honour this City with his prescence, the Mayor, Aldermen and Common Council shall meete His Majesty on horsebacke in their formalitys att the Black Lion in Boughton, with all possible demonstration of duty and loyalty."

MONMOUTH AND MACCLESFIELD

EVERY now and again more serious subjects than "Gyants" or "Perrywigs" occupied the attention of the city fathers. In 1682, the Duke of Monmouth, illegitimate son of Charles II by Lucy Walters, appeared on the scene. The Duke's countenance, according to a contemporary writer, "was altogether charming." He had "a wonderful disposition for all sorts of exercise . . . and an air of greatness . . . but his mind said not one word for him." He married the Countess of Buccleugh, who had £10,000 a year. He was created Captain-General of the King's forces, made Privy Councillor, and was a special favourite of Charles II until 1680, when he made a "progress" in the west of England, to court popularity as a Protestant champion, and possible successor to the King, whose brother, the Duke of York, heir to the throne, had become a Catholic. Monmouth's second progress in September, 1682, brought him to Cheshire, via Coventry, Trentham, and Nantwich. "He had with him about 120 of the nobility and gentry of Cheshire and Staffordshire, all on horseback and armed . . . Lord Brandon, eldest son of the Earl of Macclesfield, young Mr. Booth, son of Lord Delamere, and another, marched before the Duke as a forlorn hope, and encouraged the breasts of the people who lined the hedges to shout for joy at his

coming, which was done in such volleys as wanted nothing but a *Vive le Roi* to complete a rebellion."

The Chester Municipal Assembly Orders, 9 September, 1682, record, "Duke of Monmouth came to Chester where he was entertained with ringing of bells, bonfires, and shouting of the people." Monmouth lodged at the house of the mayor, George Mainwaring, in Watergate Street. "In the evening he was present at a public supper at the 'Plume of Feathers,' in Bridge Street, where 5s. a head was charged at the table where the Duke sat, and 2s. 6d. at the other tables,"¹ and was attended thither by Mr. Mayor Lrd Macclesfield," etc. The next day, being Sunday, he attended the Cathedral twice. On Monday midday he started for Wallasey to be present at the races next day. Meanwhile the loyal gentry of Cheshire, embarrassed by the Duke's visit, held a hunting and racing meeting at Delamere Forest. This use of race meetings for political propaganda was common in the 17th century. Among the municipal records at Chester is "An Ordinance prohibiting Horse-Races for Six Moneths," issued by "The Lord Protector and His Council," on account of the "Mischievous Plots and Designs continued at such meetings."

The progress of Monmouth in Cheshire was reported to the Principal Secretary of State, who thereupon wrote to Richard Legh of Lyme and caused official enquiries to be made. He then issued a warrant, and arrested Monmouth while dining with a mercer at Stafford. The offence was "appearing in several parts of this kingdom

¹ J. P. Earwaker, Historical Society of Lancashire and Cheshire, 1894.

with great numbers of people, in a riotous and unlawful manner, to the disturbance of the public peace, and to the terrour of his Majesties good subjects." The rest of Monmouth's miserable story is too well known to need repetition. The reception he got from Protestant sympathizers in Cheshire was ill-requited in the last letter he wrote to James II, pleading for his own life. "I had forgot to tell your Majesty," he wrote, "that it would be very necessary to send some troops down into Cheshire, for there are several gentlemen there, that I believe were engaged in this re . . ." [rebellion].

One cannot be surprised that Monmouth's progress in Cheshire, like other equivocal and embarrassing expeditions by Stuart offspring, left a trail of trouble behind it. The magnates of the County Palatine, responsible for law and order, could not see the Duke arrested without taking steps to arraign the Cheshire gentry who had organized his reception, ridden in his retinue, and promoted his policy. On 17 September, 1683, at the Sessions held in the Hall of Common Pleas at Chester, before Sir George Jeffreys and John Warren, Justices, John Starkey, Esq., with Sir Thomas Grosvenor and others were duly impanelled to be of the Grand Jury, and sworn and charged to enquire into certain articles delivered to them by the Justices. The result of this enquiry was the publication of a presentment, in which they say that

"having heard his Majesty's Declaration to all his loyal subjects concerning the treasonable conspiracy against his sacred person and government lately discovered openly read

to us in Sessions by the order of the Court as well as in our respective parish churches by royal command . . . We conceive it high time to manifest our separation from such persons and principles . . . And not knowing the latitude of such direful combinations, but heedful of our present charge and duty . . . we hold ourselves bound in this distempered juncture of affairs to present that we have strong apprehensions of danger from a disaffected party in this county, who not only showed their defection openly by an address made to Henry Booth Esq., and Sir Robert Cotton Kt. and Bart., at the last Election of Knights of the Shire, tending to alter the succession of the Crown, with other dangerous and seditious purports, giving assurance of standing by them in that design . . . but also by their several meeting and cabals, since which administer greater suspicion from the store of arms many of them were provided with And for that the same persons unanimously assembled with schismatics and disaffected persons in the public reception of James Duke of Monmouth (who hath appeared a prime confederate in the late treasonable conspiracy). The concourse of armed persons then attending him especially in and near several populous towns in this county, where they invited an instigated rabble, in a broad mixture of various sectaries, with superfluous joy and popular noise, tumulted on that occasion, hath had an evil influence on this yet unsettled county, and brought a terror on His Majesty's good and peaceable subjects; for remedy whereof, with relation to the public peace, and to prevent as far as in us lies, the spreading of such contagion, as also to wash our hands from all misprison, by concealing proceedings that may encourage greater evils in other parts of His Majesty's dominions, We conceive it expedient that the principal persons that promoted the aforesaid seditious addresses, and also those who were notorious in comforting aiding and abetting in the riotous reception and entertainment of the said Duke of Monmouth, and his associates in this county, together with the frequenters of conventicles, and those that harbour and countenance any Nonconformist Minister or preacher, should be obliged to give security of the peace, and in particular

Charles, Earl of Macclesfield, Richard Lord Colchester, Charles Lord Brandon, Henry Booth Esq., Robert Cotton Kt. and Bart., Sir Willoughby Aston, Bart., Sir Thomas Mainwaring, Bart., Sir Thomas Bellot, Bart., Sir John Crew Kt., Nathaniel Booth Esq., Colonel Thomas Leigh, Junior, John Mainwaring of Baddiley, Esq., Peter Leigh of Boothes, Esq., Colonel Whitley of Peele, and Mr. Thomas Whitley his son, Roger Mainwaring of Kerminsham, Esq., Felton Bruin of Stapleford, Esq., Sir Robert Dukinfield Bart., Thomas Lee of Bernehall, Esq., Mr. Robert Hyde of Cattenhall, Edward Gregg of Grange, Esq., Richard Lee of High Lee, Esq., Mr. Roger Whitley, Mr. Robert Venables of Winchcombe, William Minshall of Nantwich, Esq., John Hurlston of Newton, Esq., and Charles, his son, and William Whitmore of Thurstaston, Esq., We present also that all persons not frequenting the church according to law are recusants, it being impossible to know the hearts of men, for what cause they refuse to come to church; and that connivance and indulgence in that case is the ready road to rebellion, popery, and arbitrary power. And further, we desire humbly to present to his most sacred Majesty our repeated congratulations of joy, for his, and his royal brother's happy deliverance from the late treasonable conspiracy, with our assurances that we will, with our lives and fortunes, stand in defence of his sacred person and government, his heirs and lawful successors. To all which we subscribes our names."

The publication of the libel was said to have taken place at Wantage in Berkshire. Its immediate effect was to cause Charles Gerard, Earl of Macclesfield, to present a Bill in the Court of Exchequer at Westminster, inditing John Starkey, Sir Thomas Grosvenor, and the rest of the Grand Jury, for a "Scandalous, Infamous, and Malitious Libell," under a statute of Richard II, against the *scandalum magnatum*, or defamation of magnates. There is a contemporary manuscript verbatim

report of this suit at Eaton, on the title-page of which Sir Thomas wrote his own name. Pleadings were heard in the Court of Exchequer in April, June, October, and November, 1684, and in January and February, 1685. The manuscript record is "translated into English," for, according to Lord Campbell, the reform made by the Long Parliament of "having all legal records in the language of the country," was upset at the Restoration, which brought back Norman-French to the reports, and barbarous Latin to the law records, which continued till the reign of George II.

The Earl pleaded that for 30 years past he had been one of the great men and peers of the realm, that he was one of the Gentlemen of the King's Majesty's Bedchamber, and that he had served the said Lord the King justly and faithfully, and that this libel of the Grand Jury would "bring the said Earl into great displeasure and distrust with our said Lord the King, and the great men and great officers of this kingdom of England." He claimed £10,000 damages.

The counsel for Macclesfield were Mr. (afterwards Sir Edward) Ward, and Mr. Williams, possibly the Recorder of Chester, afterwards Sir William Williams. For the Grand Jury there appeared Mr. (afterwards Sir John) Holt, and the Solicitor-General, the Hon. Heneage Finch. The judges were Sir William Montagu, the Lord Chief Baron; Baron Sir Edward Atkyns; Baron Sir William Gregory; and Baron Sir Robert Wright.

The principal question the judges had to decide was if a grand jurymen be liable to an action for libel, if in

a bill of presentment he reflect upon anyone's personal character.

"No action lies," said Baron Wright, "against an officer for doing his duty . . . Suppose a felony be committed, and one informs the constable that A did the felony, and thereupon he takes A, and there is no other evidence against A, who is discharged; no action lies against the constable for this."

Baron Gregory said:—

"The Defendant claims the favour of the law because what he did was but in execution of the law—it was his duty to do it, and therefore he says he ought to be protected for it, that the justice of the nation be not intimidated, and that persons may not be afraid to do their duty upon their oaths, for being liable to actions and trouble for so doing . . . I do not conceive that the Defendant hath done anything more than what was his duty to do, as a Grand Jurymen; and where a man doth not exceed his duty though the thing done turn to the prejudice of another, he ought not to be punished for it."

Holt's argument was devoted to proving that no action lay against the Grand Jury for what they did. He went into so many matters at such great length, covering over 50 folio pages, I have been compelled to limit the quotations from his speech to a few important items. He claimed a regal jurisdiction for the judicature of Chester.

"Now if the King," he said, "hath a County Palatine, and the Jurisdiction in that County is by immediate Commission and Patent from the King, itt is then like Jurisdiction of this Court, and the other Courts in Westminster Hall, and I think itt has bin alwayes taken Notice of as such by the Courts in Westminster Hall . . . Then this being in

a County Palatine which hath Regall power, and this being the King's Court by immediate Commission from the King, this Jurisdiction doth comprehend within the County Palatine the same authority as the King's has in other parts of the Kingdome. And therefore itt hath power to enquire of all Offences committed within the County Palatine."

Having assumed the jurisdiction and its power and range of enquiry, he proceeded to apply these to the circumstances in Cheshire :—

"In the next place the Juncture of tyme is to be considered. What tyme was this that these Gentlemen came to be upon this Jury? There was a plott, an horrid conspiracy against the lives of the King and his Brother lately discovered, a plott that was published by the King's Declaration, and made Judically to appeare by the tryall of severall of the Conspirators, a plott that was evident to have been carried on by persons of those principles that were the Tenents (? tenets) preached at Conventicles, and persons that frequented Conventicles and harboured their Teachers, some of whom were in a course of Justice legally attainted and executed, and others fled from Justice. Had not a Considerative Conscientious Grand Jury then reason to be apprehensive of danger from those that did adhere to such persons and frequently were in their Company? . . . Then, my Lord, as to the next thing which is mentioned in this Presentment, the tumultuous reception and entertainment of the Duke of Monmouth. I cannot tell whether this Noble person the Plaintiff did or did not appeare at that tyme among those that mett so tumultuously. But I may say as things then stood upon this discovery, such assemblyes of armed men might give great Umbrage to a Grand Jury. The Duke of Monmouth was by his Majesty's proclamation and declaration mentioned as concerned in the designe, hee was under the accusation of an Indictment and was at the exigent, and that is here declared to be the reason and ground of their apprehensions of danger from those meetings . . . When there had been a horrid Conspiracy and

Treason discovered, of which some that are accused are attainted and executed, and others fled, and among them the principall person who not long before had, with a very great number of Gentry and others, come into the Country, and there had been, upon that account, a tumultuous disorderly Assembly, Why should it not be rationall for a Grand Jury in such a juncture to apprehend these things might be dangerous to the Country. And if they do apprehend them dangerous, they are obliged by their Oaths, and bound by the duty they owe to God and the King."

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Judgment was given in favour of the Grand Jury. In 1685 Lord Macclesfield was outlawed, and fled. The sentence was reversed in 1689. He returned to England and died in 1694, aged 76. (See *Journal of the House of Lords*, Vol. 14.)

Mr. Hugh Grosvenor, uncle of Sir Thomas, wrote from Eaton, 30 April, 1684, to his nephew :—

"Sir, I was in Chester on Monday, to enquire what other misdemeanours were committed on Wednesday night. I find the rabble were up most of the night, had a bonfire at the cross, shouting 'a Monmouth,' 'a Whitley.' Some of them came to Mrs. Clapton's door, and knocked till the maid answered and asked what they would have, their answer was they would speak with you, myself, or Jack, and so went away. I cannot find who they were yet, when I do I shall not spare them.

"As to what you desire concerning the new Charter, the fairest way will be, to have the Recorder, the Whitleyes, Streete, Manwaring, Lloyd, Captain Wright, Anderson, expunged, and then name for Aldermen the Commissioners, Ald. Starkey, Willson, and Oulton, though I fear the former will be dead before this reach your hand. Then for Common Council men, Colonel Worden has the names of 36 which voted honestly; these being a court together, may fill up the vacancies of Bench and Council . . . Your loving uncle and servant,

"Hugh Grosvenor."

LADY GROSVENOR'S CONVERSION

WHEN Sir Thomas Grosvenor married Mary Davies, the curtain was about to rise on a national tragedy that put back the time-piece of toleration for many years. This was the Popish Plot, inspired by Titus Oates. Oates was a villain, and his plot a fraud, but so sensitive are the English people to even the rumour of treachery that the whole country was quickly ablaze, and remained in a Popish panic for years.

I remember dining long ago at a house in Parkside, Knightsbridge, and noticing round the dining-room fireplace a set of old blue and white delft tiles, representing scenes from this famous Plot. There was the Pope with Cardinals sitting round a table, inscribed, "The plot first hatcht at Rome by the Pope and Cardinalls." Then came a portrait, nearly full face, with flowing wig, and under it "Dr. Oates him that discovereth the plot." Another tile showed a castle by the sea, a ship, and men stepping into a boat, with the legend, "Fenwick at Dover sending students to St. Omers." Another had three culprits under a gallows, roped for hanging, and a cart moving away, inscribed, "The execution of the murtherers of Sir E. B. God-free." There were 24 such tiles, and later I saw in the *Connoisseur* (Vol. 6, p. 246) some representations of

playing cards with similar subjects. Such were the contemporary domestic signs of this violent combustion, which burnt itself out and then led to a reaction in honest minds. When Viscount Stafford protested his innocence on the scaffold, the crowd responded, "God bless you, we believe you, my Lord."

Only a few months before Lady Grosvenor came to Eaton there perished on a scaffold in Chester, a certain Father Plessington, one of the most innocent victims of this Roman fever. He was a man of gentle extraction, whose father suffered for his loyalty. The son was domestic chaplain to the Massey family of Puddington Hall, and was indicted for high treason, that is for being a Catholic priest in England. After nine weeks' imprisonment he was executed July 19, 1679, and the speech he made before his death is extant, and is simple and pathetic.

"Dear Countrymen," he began, "I am here to be executed, neither for theft, murder, nor anything against the law of God, nor any fact or doctrine inconsistent with monarchy or civil government. I suppose several now present heard my trial at last assizes, and can testify that nothing was laid to my charge but priesthood . . . But I know it will be said that a priest ordained by authority derived from the See of Rome, is, by the law of the nation, to die as a traitor; but if that be so, what must become of all the clergymen of the Church of England, for the first Protestant bishops had their ordination from those of the Church of Rome, or none at all, as appears by their own writers? God bless the King and the royal family, and grant his Majesty a prosperous reign here, and a crown of glory hereafter."

It may be asked, Why was this man slaughtered at Chester, whilst his sovereign was intriguing with Louis

XIV to reinstate the Catholic faith in England? Well, the Stuarts were great breeders of scapegoats.

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The county of Chester contains a variety of scenery, well-watered pastoral plains, undulating woodlands, interspersed with noble residences, but its most romantic and inspiring area is the sleeve-shaped promontory called the Wirrall, that lies between the Mersey and the Dee. The Wirrall is all romance. Its multitudinous sands scoured by the "furious pulses of contending tides" on the Dee side, have gradually blocked the open water-way that once reached the walls of Chester, for the sea drives the sand inland, and there is no force here to send it back. On the Mersey side, however, a large inland shallow pool twice a day empties itself sea-ward, and maintains an open passage, and with it the wealth of Liverpool. The Wirrall is undulating land, rising to over 300 feet, and standing on this high ground, one looks, as if from the bridge of a vessel, to the water on three sides, in air as pure and invigorating as any in Great Britain. Here and there, hidden in small clusters of trees, bent to an eastward position by the prevailing winds, nestles some old church or manor house, dating from a time when this remote cul-de-sac was the way to everywhere by water and nowhere by land. In Norman days it was a forest, and as late as 1376, the inhabitants complained of the "great harm, damage, and destruction" caused by the beasts thereof.

At the eastern end of this promontory, 6 miles from Chester, and in the parish of Burton, stood Puddington

Hall, rebuilt now and renewed, but still retaining its courtyard, with some original walls and windows, and black and white timber and plaster gallery. Sunk gardens on the north and east mark the site of the old moat, in which was found recently a sandstone figure of the Blessed Virgin, with the Child upon her knee. In this remote wind-swept homestead, from which one now looks across the reclaimed sands of Dee to the hills of Flint, the ancient Catholic family of Massey, held hearth and home from the Conquest. The religious faith of the Masseys is quaintly indicated in an old song, describing the journey and adventures of a hunted hare, entitled, "Certayne verses written by a Werralyte to the tune of Upp Willye, its tyme to ryse, 1615."

"Ore Burton Hill to Puddingeton Halle
There she would be boulde to calle
And she hoped that she might pass
For he was att service and she was at Mass," etc.

William Massey of Puddington was a young man of 21 in 1679, a zealous Catholic and an ardent Jacobite. He seems to have known Lady Grosvenor soon after her coming into Cheshire, and in October, 1681, Thomas Burton at Eaton paid 1s. 6d. "to Mr. Masseys man yt brought my Lady a baskett of quinces." Massey introduced her to his Catholic friends, and had considerable influence in turning her mind towards the Catholic faith. She probably spent a good deal of time at Eaton, rearing her children, whilst Sir Thomas was attending Parliament, and young Massey possibly made

opportunities for telling her all about Father Plessington's martyrdom, and enlarging on the hopes then entertained of England returning to the ancient faith. Moreover, about this time, the large house at Millbank, built by her father, had been let to Henry second Earl of Peterborough, who became a Catholic, and whose daughter, Lady Mary Mordaunt, married the Duke of Norfolk in the same year Mary Davies became Lady Grosvenor. With these positive influences about her, advanced by gentle and well-educated friends, she possibly resented the negative argument of violent abuse, inspired by political fear, especially when she found the Catholics intensely loyal. Added to this there was a growing reaction against the Popish Plot. We do not know the exact date, but a near kinsman of Sir Thomas said she was "reconciled to the Church of Rome, about the latter end of King Charles's reign or the beginning of King James's."

We have no record of the spiritual or mental motives that induced Lady Grosvenor to become a Catholic. We know that her conversion took place fully twelve years before any cloud fell upon her intellect. We know of her early friendship with William Massey, and his introduction of her to Catholic neighbours. We also know that the Grosvenors thought and spoke with mingled fear and ferocity of the Catholic Church, and it has to be remembered that at all times it is dangerous to depreciate outrageously any institution liable to inspection. No doubt Lady Grosvenor found a constant startling contrast between the Catholics and their critics. She may have sat at table with such an illustrious

intellect as Savile, Lord Halifax, and heard him discourse on the painted and pretending "old Lady of Rome," and how she "sitteth in her Shop, and selleth at dear Rates her Rattles and her Hobby-Horses,"¹ and she might easily have learnt from an intelligent Catholic, that a more enlightened criticism would have better become a well-educated politician of the 17th century. Halifax, surely, of all men then alive, should have known that the "old Lady" had given, not sold to such men as he, the philosophy of St. Thomas Aquinas, setting forth solutions of the most important political problems of his day, the value of which have been ratified by the experience and verdict of posterity. Halifax helped to steer England through a revolution which settled once for all the question whether the right of kings to rule is absolute, answerable only to God, above the law, and independent of Parliament, or whether the Parliament and people possess rights of their own. When we remember the agonies English people went through during 85 years of Stuart rule, the hearts broken, and the blood shed, we cannot help wondering whether the painted "old Lady of Rome" was saying to herself all the time, "Three hundred years before these silly folk plunged into this chaos, my most cherished theologian had thus defined the range of monarchy":—

"A king who is unfaithful to his duty forfeits his claim to obedience. It is not rebellion to depose him, for he is himself a rebel whom the nation has a right to put down. But it is better to abridge his power, that he may be unable

¹ *The Character of a Trimmer.* Savile, Marquess of Halifax.

to abuse it. For this purpose, the whole nation ought to have a share in governing itself; the Constitution ought to combine a limited and elective monarchy, with an aristocracy of merit, and such an admixture of democracy as shall admit all classes to office, by popular election. No government has a right to levy taxes beyond the limit determined by the people. All political authority is derived from popular suffrage, and all laws must be made by the people or their representatives. There is no security for us as long as we depend on the will of another man."¹

If such teachings as these be "Rattles" and "Hobby-Horses," they would at any rate have been cheap at a high price, compared with a Civil War, the execution of a king, and the expulsion of a dynasty. And if they express the determinations of a Catholic theologian 300 years before Halifax, they also define the verdict of all great statesmen 300 years after him. If clever and well-educated people, in Lady Grosvenor's circle, represented the Catholic Church to her as a toy-shop served by a painted hag, it would not require a very astute controversialist to undermine her confidence in such criticism.

Of course it is a very astonishing thing that two men so well informed as Charles II and James II should have imagined that diplomacy or force could restore the Catholic faith in this country. Not by such means had the first teachers of the faith given Christianity pre-eminence. Charles had sense enough not to push things to extremes, but James was hopelessly obstinate. They had against them, not only convinced Protestants split into a multitude of sects, but the Established

¹ From Lord Acton's *Essays on the History of Freedom*, page 36.

Church nourished on old Catholic ecclesiastical endowments, and behind these a phalanx of country gentry, battenning on monastic cheap loot, which they had no desire to disgorge.

Lady Grosvenor's conversion was a serious blow to Sir Thomas, a challenge to the Protestant and political traditions of his family. His father, grandfather, and great grandfather had all been faithful to the Established Church, abhorring Popery and Puritanism. The last Catholic owner of Eaton I can identify, is Richard Grosvenor, who died in 1542, and says in his will dated 10 November, 1541,

"My will is that on the day of my sepulture 12 poor men shall have 12 gowns to pray for my soul; and my executors shall buy 12 torches to burn about me the day of my burying, to be distributed afterwards to the churches of Eccleston, Dedleston and Pulforde, and to Pulton chapel; every priest shall have 6d., and every clerk 2d., on the day of my burying, and 20s. shall be given by my executors to poor men. And at my burying there shall be no sumptuous lights, and there shall be as little prodigality as shall be thought convenient; but an honest dinner shall be provided for my friends and for as many poor men as shall come there . . . My special trust is in my wife and my son Thomas, that they will keep hospitality together as my mother and I did, and be loving and kind to my children, tenants and servants."

Two of his daughters were nuns in Chester. In the Eaton chapel of old Eccleston Church was a window with the inscription, "Of your charitie pray for the good state of Richard Grosvenor de Eaton, armig. and Katherine his wife, the which did make this window, A.D. 1538." (Ormerod.) This ancestor of seven generations gone by, was long since forgotten, his

torches burnt out, and his faith denounced as treason. The chapel, and the altar, on the south side of which he asked to be buried, are gone, and the faith which had been his consolation, had become a source of embarrassment to his descendant.

* * *

More than 100 years previous to the death of this last Catholic Grosvenor there occurred an event, rare, chivalrous and picturesque, showing the fidelity of the Grosvenor family to the ancient faith. It arose from a dispute about property, between Sir Thomas le Grosvenour, knight, and Robert de Legh of Adlington. The particulars were copied by Randle Holme of Chester, from a deed in custody of Mr. Dutton of Hatton, in 1649. (Harl. MS. 2099, fo. 264 d-265 d.) On April 24, 1412, Grosvenor and Legh went to the chapel at Macclesfield, where a large company of the gentlemen of Cheshire assembled, and where certain documents were confirmed, and the disputants reconciled. The proceedings were recorded and certified by a priest, Roger de Salgehall, notary public of the diocese of Lichfield. The first part of the ceremony was the confirmation of the charters, and it had been arranged, "by friendly treaty," between Grosvenor and Legh, that in order "they might remove all quarrel and enjoy firm and perpetual peace in future," that Grosvenor "should make a certain oath upon the most venerable Body of Christ with four and twenty honourable gentlemen, and as many as possible if he will, the which oath he made then and there." "After a short interval one Robert of Birches Chaplain . . . did at an altar of the same

Chapel of Macclesfield on the north side celebrate a Mass of the most Holy Trinity and there did consecrate the Body of the Lord. Now the aforesaid Mass being finished the Robert of Birches the Chaplain, vested in albe, with amice stole and maniple, did hold in his hands openly and publicly over the paten and the chalice before the said altar the said Body of the Lord by himself so consecrated." And Sir Thomas Grosvenor "humbly and devoutly kneeling at the altar step in sight of the people," then and there "precisely and expressly took oath on the said Body of the Lord that the said three charters were faithful charters of the donations specified . . . and were duly made and executed in form of law." In confirmation of the oath all the gentlemen of Cheshire in the Chapel "did affirm the said oath as delivered on the said Body of the Lord of their knowledge and belief, and each of them did affirm it, sealed by himself raising their hands together unto the said Body of the Lord in sign of the fidelity of the oath tendered. And hereupon the aforesaid Sir Thomas received the said Body of the Lord from the hand of the said Sir Robert the Priest with that reverence as was fitting, and of the same Body of the Lord did reverently communicate himself. And thereafter the aforesaid Sir Thomas le Grosvenor and Robert son of Robert of Legh did kiss together in affirmation of the agreement aforesaid."

The document ends,

"And I Roger de Salghall, Priest of the diocese of Lichfield, notary public by apostolic authority, was present and took part in the showing of the aforesaid charters

sealed with the seal of the most excellent Lord Henry, Prince of Wales, Earl of Chester, at the reading of the aforesaid Mass and the celebration and the reception of the Communion of the Body of Christ, as well as the oaths taken upon the Body of the Lord before that Communion, and all and sundry the other things aforesaid . . . Taken up with other arduous business I caused them to be written down by another, and with my signature and name do approve, I the aforesaid notary, correcting the negligence of the scribe. And we the aforesaid Laurence de Merbury (and all the others above named who witnessed the proceedings by raising their hands) in testament of our oath aforesaid which we have taken on the said Body of the Lord in affirmation of the fidelity of the charters aforesaid, in the manner and form aforesaid, have set our seals unto this present instrument."

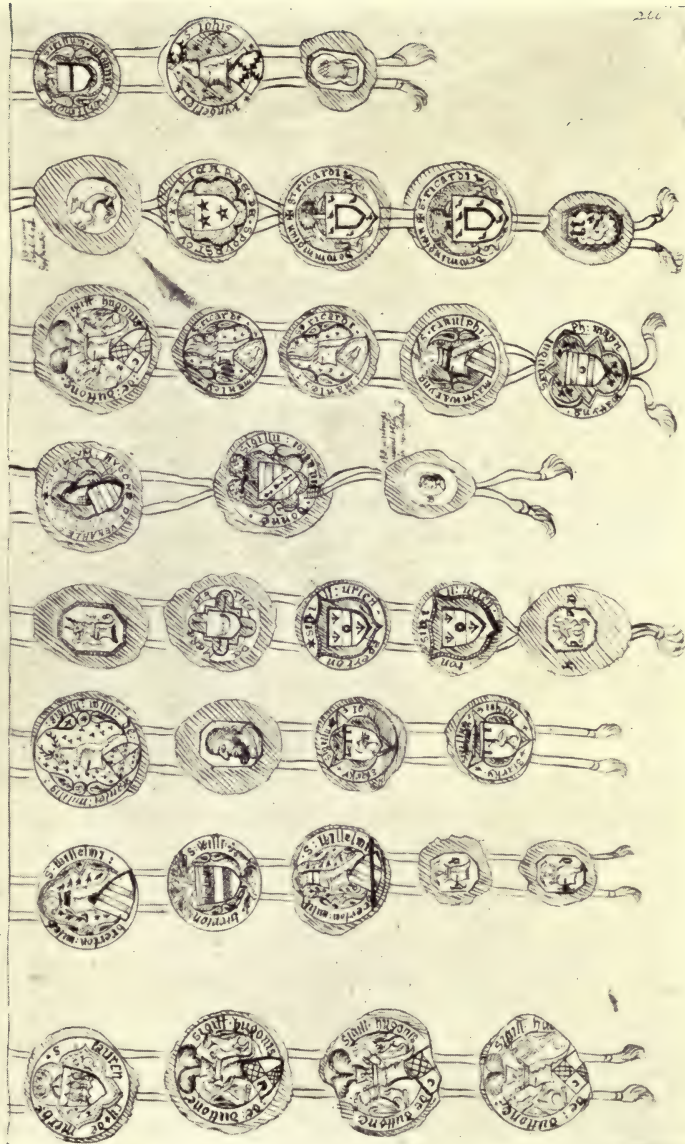
Laurence de Merbury knight, then Sheriff of Cheshire, William de Brerton, William de Stanley, John de Pull, Laurence Fyton, knights Hugh le Venables de Kinder-ton, John de Delves, William le Venables de Kynderton, William de Brerton Jun., William de Egerton, Hugh de Dutton, Ranulph le Maynwaringe, Radulfus de Davenport, Laurence le Waren, Philip de Egerton, John de Whitmore, Adam de Bostock, Robert de Wynington, John Donne de Utkington, Richard de Manley, Mathew del Mere, John de Manley, Richard de Bulkley de Chedle, Thomas Daniell, John de Legh de Legh, John son of Ranulph le Mainwaringe, Hugh de Davenport, Robert de Davenport, Nicholas de Davenport, Richard de Worberton, Radulphus de Bostock, Thomas Starkey, Peter Starkey, Urianus de Egerton, Hugh de Egerton, David le Speire, David de Crue, John de Wodehouse, John de Cholmunlegh, Hugh del Malpas, Roger de Mulynton, William de Beston, Henry de Spurstow, John de Kingesley, Robert de Hassall, John de Brescy, William de Leicester, Robert de Toft, Robert de Overton, John de Brereton, John de Wynington, William son of Richard del Mere, Thomas de Coton, Hugh de Coton, Robert de Nede-ham, William de Frodsham, Henry de Bircheles, and Thomas de Haslington.

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18th. Sec. 18. was affixed to the deed in 1685.



DRAWINGS OF SEALS ON DEED RECORDING SCENE IN MACCLESFIELD CHAPEL

But now, 250 years had gone by, a national Protestant Established Church had supplanted the Catholic Creed, and Sir Thomas Grosvenor was faced with the important question as to what would happen to his children, should he pre-decease his wife. The problem was discussed a short time after in the House of Commons. On 5 July, 1689, Colonel Tipping gave to the House of Commons a report from a Committee called to enquire "what Children are sent abroad to be educated in the Popish Religion." This Committee was informed by Mr. Pulton, That "Mr. George Mor-dant was taken by Order of the Earl of Peterborow, from Eaton School, about Christmas was Twelve-month, under Pretence of making him Page to the Queen: But that, the week after Easter following, he was sent, by the said Earl to the Jusuits Scool at the Savoy." The Committee was also informed "That Mr. William and Mr. Charles Cecill, Brothers to the Earl of Salisbury, were, by the said Earl, taken from Eaton School, about August last, and by him sent into France, without Consent of those that were appointed to be their Overseers or Guardians: . . . William Smith, Servant to the Earl of Salisbury, testified, That, about Twelve a Clock the same Night they went, he helped to pack up their Linen in a Portmanteau at Salisbury House in the Strand . . . Mr. Sadler said, That they were preparing to return home; but that the late King James, seeing them in France, ordered them not to come."

Those who did not take a serious view of religious questions probably said it was inconsiderate of Lady Grosvenor to fly in the face of her husband's ante-

cedents, imperil his public life, and cause him anxiety about his children; but apart from any question of the demands of conscience, might she not have argued that Charles II died a Catholic, that the King and Queen were both Catholics, that Lords Salisbury and Peterborough had joined the Church, and that the King had appointed Bishop Cartwright to the See of Chester, who was doing all he could, by the desire of the King, to promote and encourage the Catholic body?

In 1686, James II gave the Bishopric of Chester to Thomas Cartwright, Dean of Ripon. Burnet says of him:—"He was a man of good capacity, and had made some progress in learning. He was ambitious and servile, cruel and boisterous; and, by the great liberties he allowed himself, he fell under much scandal of the worst sort." The judgments of bishops about one another are not infallible, nor have we Cartwright on Burnet as well as Burnet on Cartwright. Luckily for us Cartwright kept a diary, concerned, perhaps, as much with meals as ministrations, still, interesting for its gossip, and full of detail. He arrived at Chester, 30 November, 1686, having lodged at Frodsham the night before, "from whence," he says, "I was conducted by the high sheriff and governor, and a great train of the gentry on horseback, and ten coaches, into the city, the guards drawn up from the gates to the palace," etc.

A few days after this he entertained Sir Thomas Grosvenor at dinner, and there are constant references to exchanges of hospitality all through the bishop's diary. "I went to Sir Thomas Grosvenor's to dinner, where I had an excellent entertainment." On 6 March, 1687,

the Bishop with his wife, son, and daughter, went for a day or two to Eaton. March 7, "I continued at Eaton, dined with my Lady, who after dinner carried my wife, son, and daughter to the race, and returned to me at night with Mr. Goeden." Next day, "I continued at Eaton, where dined with us Mr. Goeden and his brother, Sir James Poole, Mr. Poole, who after dinner went to the race; but I continued in Sir Thomas Grosvenor's study till night." September 19, 1687, "I went with Sir Thomas Grosvenor, Mr. Massey, and my son, to Liverpool; dined with my Lord Molineux at the Bowling green." All through his stay at Chester the bishop entertained Catholics, especially William Massey, Sir James Poole and Sir Rowland Stanley, all from the Wirral. What he thought the effect would be on the Protestant gentry, I cannot imagine.

On 7 January, 1687, Cartwright records:—"After supper Mr. Massey came to me again, and discoursed with me concerning poor Sir Thomas Grosvenor's carriage to his wife, and her resolution to enter into a monastery if he did not alter speedily, and consult her reputation and his own better than he did." The next day he enters:—

"Sir Thomas Grosvenor, Mr. Wilkinson and his friend, and Mr. Kent, dined with me; and in the afternoon Sir Thomas Grosvenor and my Lady discoursed all those matters and causes of difference, and agreed upon these terms, that Mr. M. (Massey) should come to his house at any time when he was in the country, and be entertained as others, and that if any servants carried any tales between them on either side, they should be turned away; and that no public discourse of religion should be suffered in this

house, but my Lady be permitted to enjoy her's in private, she not writing to Mr. M. but what, upon request, she should show to Sir Thomas, and what return he made her; and so Sir Thomas and my Lady and Mrs. Rooksby, who, with my wife and daughter Sarah, were auditors of the whole matter, supped together with great satisfaction to all parties. My Lady brought us a cheese."

The bishop's journal may be said to be punctuated with refreshments, and the times and places where they were obtained. Now he dines at the Blue Posts, now at the Blue Anchor. He arrives at Bolton Castle, and is received by the noble Marquess of Winchester "with all Kindness imaginable at dinner from one at noon till one in the morning." He records how "The Lord Tyrconnell and all his friends drank their morning's draught with me"; and "The Mayor and Aldermen brought me a present of 8 sugar loaves, 1 dozen of canary, 1 doz. of white wine, and 2 of claret, and were merry with me till 7 at night." Mr. Massey sent him "a doe," my Lord Molyneux "a fat buck," Mrs. Hancock "a skeg of sturgeon," Mr. Newton "an old cheese, the best I ever tasted," while Alderman Waring gets him to come along and taste "a hogshead of Obrian." (Haut Brion.)

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In August, 1687, James II visited Chester. He left Windsor on the 16th, and arrived at Chester about 4 p.m. on Saturday the 27th. The next day Chester enjoyed an almost unique experience. Bishop Cartwright records:—"I was at his Majesty's levee; from whence, at 9 o'clock I attended him into the choir, where



() An **INSIDE VIEW** of *St. Winefride's Well, Flintshire, North-Wales.*
— Engraved according to a Drawing by Richard and Thomas, 1820.

SAINT WINEFRIDE'S WELL
(From an Old Engraving)

he healed 350 persons. After which he went to his devotions in the Shire Hall, and Mr. Penn held forth in the Tennis Court, and I preached in the Cathedral." What a day for the Cestrians! A Catholic king touching for the evil in the Cathedral, then off to Mass in the Pentice, whilst the Protestant Bishop preaches in the Cathedral, and the Quaker William Penn holds forth in the Tennis Court.

The next morning his Majesty rode off at 6.30 to visit St. Winefride's Well at Holywell. This Pool of Siloam is still a popular place of pilgrimage. It is the freehold of the Duke of Westminster, as Lord of the Manor of Holywell, Fulbrook and Greenfield, but his ownership is subject to the rights of the tenants of the Manor to the use of the well; and these commonable rights have been upheld by the judges from as early as 1613, to as late as 1899. In 1613 the Lord Chancellor "callinge to mynde that within the said Mannor there ys a fountaine or well commonly called Holly well being a well of auncyent and worthie memory doth not think fitt that the Plaintiff or any other should have the proptye thereof . . . and therefor his Lorp doth order that . . . the said well shall contynue as now yt ys or heretofore hath bene."

Plate 21, reproduced from an old engraving, gives a general view of the well, and Plate 22, from a recent photograph, shows the character of the Gothic stonework, on which are carved names, initials, and dates, from 1591 onwards. In a recess at the back are crutches and other memorials of cures left by grateful pilgrims. In *The King over the Water* (p. 11) it says that when

the Prince of Wales was born it was supposed Saint Winefride's prayers had done it; alluding no doubt to this visit of King James.

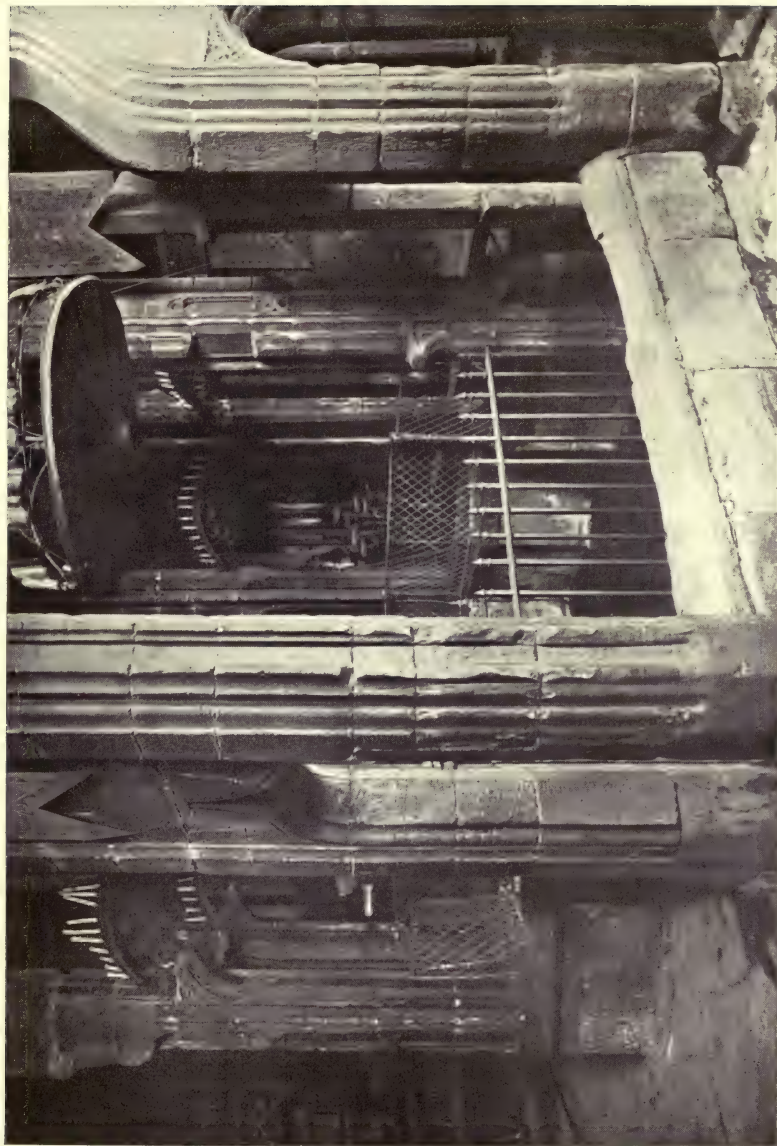
We get an entry in the State Papers under November 3, 1629, a

"Note of such persons as were at St. Winifred's Well upon St. Winifred's Day. Lord William Howard, The Earl of Shrewsbury, Sir Cuthbert Clifton, Sir John Talbot, Lady Falkland, and with her Mr. Everard the priest . . . The total number of Knights, ladies and gentlemen is said to have been 1,400, and about 150 priests. It is stated that ' Mr. Arrowsmith's clothes, and the knife that cut him up, are at Sir Cuthbert Clifton's house.' "

In the Annual Letters for 1688 quoted in Foley's *Records of the English Province* of the Jesuits we find :—

"There is another town, called Holywell, so named from the famous well of St. Winefride. This place, during the summer, is greatly frequented by pilgrims, even from the remotest parts of England, who flock thither by reason of the constant cure of diseases, which God is pleased wonderfully to work at the well. Here was a ancient and most beautiful chapel, about the right to serve which a dispute arose . . . The King (James II) and Queen referred the matter in dispute to the law judges, who adjudicating in favour of her Majesty's right, she was pleased to present it to the Fathers . . . The King, on occasion of a visit of devotion which his Majesty made to the holy well was pleased to make a donation . . . of about 140 scudi (about £30) for the purpose of reparations and decorations."

The Life of Saint Winefride, written by Father Philip Metcalf, S.J., was reprinted from the edition of 1712, and edited by Father Herbert Thurston, S.J., and



SAINT WINEFRIDE'S WELL
(From a Photograph)

published by the Catholic Truth Society, 1917, in a small charming volume, full of all sorts of interesting information, ancient and modern.

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There is a brief note about King James's visit to Chester by the well-known Nonconformist, Matthew Henry, who had recently come there as minister. He wrote, "In February and March, 1686-7 the meetings of Dissenters began in many places to be held publicly, and the Persecution was discountenanc'd by the Court, and April 4, 1687, the King's Proclamation for Indulgence came out, intended, no doubt, in favour of his Design to introduce Popery" . . . "In September, 1687, King James in his Progress came to Chester, when . . . Mr. Harvy and I and the Heads of our Congregations joyn'd in an Address of Thanks to him, not for Assuming a Dispensing Power, but for our Ease, Quiet, and Liberty under his Protection; we presented it to him at the Palace: he told us he wish'd we had a Magna Charta for our Liberty. We did not promise to assist in taking away the Tests, but only to live quiet and peaceable Lives." One wonders if James really imagined that these people were so simple as not to see through his fictitious zeal for real religious liberty.

PARLIAMENT

TWO years after his marriage, and probably in the same year he brought the bride to Eaton, Sir Thomas was returned as M.P. for Chester, at the age of 24. Savile, Lord Halifax, the ablest statesman of that age, made some caustic comments on the "striplings" sent to the House. "There ought to be a difference between coming out of pupilage and leaping into legislatorship . . . They were not green geese that are said to have saved the Capitol; they were certainly of full age, or else their cackling could not have been heard so as to give warning . . . It would be well for the business of the world if young men would stay longer before they went into it, and old men not so long before they went out of it."

The first Parliament Sir Thomas attended lasted only from March to July, 1679. The second began October, 1679, and was dissolved January, 1681. The third commenced May, 1685, and ended July, 1687. The fourth was summoned March, 1690, and lasted till October, 1695. The fifth opened November, 1695, and went on till July, 1698. The sixth was summoned August, 1698, and in July, 1700, he died, six months before it was dissolved. This constitutes a pretty good record of public service. Within a few weeks of his first election he writes to the Municipality of Chester:—

"London 10 April, 1679.

"Sir, I received yours of the 4, and I return them with you, thanks for your civilities therein to me. This day I have had a hard bout about the bringing in of Irish cattle, we sat until 4 o'clock in the afternoon. I thought I should be pulled in pieces of my countrymen, and the rest of my acquaintance, for dividing in the House against them, for the good of the City, the which I shall always prefer before my own interest. I hope shortly to have my partner with me now the circuits are over. There is no particular news but what is in the votes, the which you have in the Coffee Houses with you, and my service I do pray to my brother Aldermen, and all the rest of my friends with you. I rest, being always ready to serve the City and you. I am your friend to serve you. T. Grosvenor." (Chester Municipal Records.)

It looks as if Sir Thomas took a more enlightened view of Irish competition than his great grandfather had done. A century later, "when the corn laws were in agitation in Ireland, by which that country has been enabled not only to feed itself, but to export corn to a large amount; Sir Thomas Robinson observed that those laws might be prejudicial to the corn-trade of England," to which Dr. Johnson responded, "Sir Thomas, you talk the language of a savage." (Boswell.)

Sir Thomas Grosvenor served on many Parliamentary Committees, "To prevent the importation of foreign buttons"; "For the better discovery and more speedy conviction of Popish Recusants"; "To consider the troubles of English glovers owing to duty upon imported leather." In 1690, he was put on to a Committee to consider a "Bill for Relief of poor Prisoners," and in 1699 he served on another to "inquire into the ill Practices and Abuses of the Prisons of the King's-Bench

36 *Mary Davies and the Manor of Ebury*

and Fleet." He may well have taken some interest in this subject, as both his grandfather and great grandfather had been in the Fleet.

The following petition was presented to the House of Commons, December 14, 1699.

"A Petition of a Multitude of poor Prisoners for Debt, that lie in the *King's Bench* and *Fleet* . . . and many Thousand other the like Prisoners . . . was presented . . . and read; setting forth, That by the Abuse of the Coin, and the Tediousness of the late War, and many other inevitable Losses, they have been reduced to Poverty, and imprisoned by their Creditors; where many of them have lain in a starving Condition many Years, to the Ruin of their Families, who, had they been at Liberty, might have paid their Debts, and been useful to the Publick; but now are a great Burden to the same; the Prisoners in *England* being computed at 60,000 Souls, who chiefly subsist by begging at the Grate of the Prisons; and, when that Charity fails, they starve, as weekly Examples testify, to the Dishonour of this Protestant Kingdom, and Damage thereof, from many contagious Distempers, which oftentimes have their Beginning in Prisons." A Committee was appointed to "examine the Matter."

Another important question was the restoration of the navigation of the Dee. Early in the 15th century, says Mr. Harrod (*Archæologia*, Vol. 57), the sands at the mouth of the Dee had choked the city harbour. Among the Chester Municipal Records is an ancient "Petition of the Mayor, Aldermen and Inhabitants of the City of Chester, to the Knights, Citizens and Burgesses in Parliament": "Sheweth, That the said Cittie of Chester in former time, by reason of the navigable river that flowed from the Sea to the walls thereof, did abound with Shipps and Mariners, and flourished

with a trade forraigne and domestique. That the Sea of late yeares hath wrought it's course into rivulets, along the Welch Shore, to the lessening and choaking up the grand river, which now affords not (except att Spring tides) water sufficient to bring up a vessell of two tunns, to the great impoverishing of your Petitioners, and visible desolation of the said Cittie, etc." We are not used to think of Chester as a maritime city, but in Sandy's *Anglorum Speculum* it is credited with two seamen of note, David Middleton, and Sir Henry Middleton, Kt. Of the first it is said: "His dangers were great and many among Canibals and Portugals, Crocodiles and Hollanders, yet at last he did settle the English trade at Bantam about 1610."

In 1699 a Bill was read a second time "to enable the Mayor and citizens of Chester to recover and preserve" the navigation upon the Dee. Sir Thomas and Peter Shakerley paid for its promotion and did what they could, but the difficulty was "to adjust matters with the Flintshire gentlemen." In March, 1700, the House of Commons considered a Report from the Committee to which was referred the Bill to make the Dee navigable. "A Clause was agreed to be added to the Bill, That it shall not extend to prejudice any Rights, Liberties, or Privileges, of Sir *Wm. Glynn*, Baronet, or any the Lords, Owners, or Proprietors, of the Lands, Grounds, or Marshes, lying on the South Side of the main Channel of the said River, or his or their Fishery in the same."

More than thirty years after this we get a record of local agitation on the subject of the navigation of the

Dee in a letter from Thomas Aubrey to Sir Richard Grosvenor :—

Sir,

Chester, Ap. 4. 1732.

Lest you should think me wanting in my duty and affection to you in not giving you an account of what extraordinary things happen here, I must tell you that the High Sheriff came into town yesterday from the Glass house with a numerous attendance. In the evening there was a race on the Roodeye for £5 between 2 ordinary men, where (it was said in the coffee house this morning) that one of your men, and, one of Mr. W. Williams men were mobbed off the ground on the account of the navigation; however, about 6 of the clock a vast mob crowded before the Recorder's house, shouting for the navigation, then they went to Mr. G. Prescott's, shouting the same thing, and also crying "down with rotten cheese." Then they returned to the bottom of Castle Lane end, waiting there for the Recorder's return from the Castle, who soon came according to their expectations, with Mr. Ch. Foulks along with him. They surrounded him and insulted him so that he himself (I observed) took off his hat, and shouted along with them. As soon as Mr. Foulks had left him, which he did at the foot of his own stairs, someone threw a stone at him, but missed him very narrowly. After this they continued shouting before his doors with threats. After, they went up to lawyer Williams's house shouting "a Williams for ever." At night they dressed up something like a man, and put him in the pillory, and pelted him with dirt, crying out "no rotten cheese." About 11 of the clock they visited this part of the town again and broke 3 or 4 of the Recorder's windows, and one of Mr. Prescot's. I was in no little pain lest Mr. Piggot (who was then in town) should be then coming down the town, and meet them, which if he had, they would certainly have insulted him. When they were before our door they were very inquisitive about him, but they got no intelligence, he being then safe at Mr. Cotgreaves. . . .

Your most humble servt.,
Tho. Aubrey.

It is certain the mechanics and populace are mightily enraged at the delays of the Bill. The mob were heard last night to say that at the races they should have more ale given them.

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In 1695 a strong protest was made against the abundant grants showered by William III on his friend Bentinck, Earl of Portland, and "diverse gentlemen came to oppose the grant . . . of the mannors of Denbigh, Bromfield, and Yale." Among the protestors was Sir Thomas Grosvenor, and what these "diverse gentlemen" said in a petition to the House of Commons was, "That since ye creation they have had no Lord but the Lord of Heaven and the King"; and added, by way of warning, "we shall have a poor Crown and weak-hearted people to serve the Crowne, if these grants goe on." The House unanimously moved a humble Address to his Majesty, and on 23 January, 1696, the king replied, wisely and well:—"Gentlemen, I have kindness for my Lord Portland; which he has deserved of me, by long and faithful Services: But I should not have given him these Lands, if I had imagined the House of Commons could have been concerned: I will therefore recall the Grant: and find some other Way of shewing my Favour to him."

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Sir Thomas sat in six Parliaments which he attended regularly through a period of political revolution, but he left neither journals nor correspondence, and it is better to leave matters as they stand than attempt surmises which cannot be sustained by proper evidence. He was a royalist at heart, a non-juror, and a convinced

Protestant. He stood by the Stuarts without sharing their religious opinions or their vicious lives. It is a period so fully described by excellent English historians that it would be superfluous to give any general picture in these pages.

It is difficult to retrace the course of any one man in public life between 1679 and 1700. People were shy in those days of committing their opinions and hopes to writing, lest these should be seized and misinterpreted. Many men went through a number of phases as events changed their environment. The mariners trim their sails, as Savile, Lord Halifax noted, to try and keep the vessel steady.

Every age produces its own serious problems, during the solution of which men's minds are poised in the uncomfortable attitude of suspense, unable to judge from precedent in the past, and fearful of experiment as to the future. During the time Sir Thomas served in Parliament the Stuarts raised the question as to the seat of absolute power in the realm of England, and were answered in the Civil War, and on the scaffold at Whitehall. Not content with this they tried the issue again, and lost the throne. The Grosvenors on each occasion were Royalists, until convinced that obstinate support of a cause which used the loyalty of Englishmen to defy the popular will, to favour the policy of France, and restore Catholicism, would only lead to useless slaughter and religious intolerance. These things do not seem serious now, when creeds and crowns count for little, but in those days such subjects touched the very foundations of national stability and public order. The

cleavage between the English people and the Stuart dynasty began when James I exalted the divine right of kings above Law and Parliament. This was not the traditional philosophy or policy of the English people. For them the central headship had not been let down ready-made from above, but had grown up out of "all people that on earth to dwell," who for various reasons had found peace and prosperity by allegiance to one monarch.

The canvases of Vandyke and the pages of historical novels throw a halo round the Stuart dynasty, which fades in the light of history. The moment we pass from romance to real life the gleam is gone. The picture of the banished Stuarts in foreign palaces, pensioners of foreign princes, intriguing against their own nation, or setting out on hopeless expeditions among ignorant and deceived adherents, and then re-embarking for foreign lands, leaving their disillusioned followers to the vengeance of the English Government, is not captivating. While they occupied the throne they exasperated every section of English corporate life. They drove the Catholics to conspiracy, the Puritans to revolt, and the Parliament to Civil War. They attacked the Municipalities, the Universities, the Bishops, in fact all the ancient liberties and magnates beloved of England, and set up a state of irritated despair, which broke into revolution and drove them from the country. No wonder one of our most capable historians thus describes the Restoration :—

"Then, amid the drunken frenzy of a delirious people, there dawned the golden days of good King Charles—a

monarch who had no heart and knew no shame, who debauched a whole generation, who swindled the national creditors and sold himself and his country to Louis of France for gold. The Restoration meant a good deal else : it meant the disintegration of the United Kingdom and the dismemberment of the Imperial Parliament. It meant the restoration of legislative independence to Scotland, Ireland and the Channel Islands, the revival of rotten boroughs, the restoration of the House of Lords on its ancient and antiquated basis, and the restitution of that ' veto on the people's resolutions.' It meant a hideous moral reaction, an orgy of open shame. Sin sat enthroned on the sovereign's seat and vice was crowned king at court, while the author of *Pilgrim's Progress* lay twelve long years in Bedford county gaol; and up the Thames there rolled the roar of the Dutchmen's guns to where Oliver's head gazed, a ghastly sight, from a pole over Westminster Hall." (Professor Pollard, *Factors in Modern History*.)

Nowadays one occasionally peeps through old park gates, set deep in grass, with creepers clambering round the entwined iron-work, and listens to the pathetic tradition that these portals have never been opened since Prince Charlie rode out from the old mansion, and will never be set ajar again until his successor return. Or one picks up Father Charles Bowden's memoir of Lord Derwentwater, and reads that "the principles and spirit of the Jacobites of old should still be ours." Distance has indeed lent enchantment to these picturesque politicians, but the generation of English people who knew them in real life, kicked them out, and for all practical purposes the Jacobites are as defunct as the Jebusites. They were very much alive, however, during the Revolution, and looked so gallant and genteel in their picturesque attire, in contrast with the plebeian Parliament

men, that one does not wonder that "persons of quality" were drawn to their cause. The shock comes later when we read in the *Journal of the House of Commons* that the servants of the royal wardrobe petitioned those dowdy Parliamentarians in 1689 for £20,000 (equal to £100,000 to-day) due to them for clothes supplied to Charles II, between 1681 and 1684, saying they are "reduced to very great Necessities, and innumerable Families depending on them!" Where be, then, the gentlemen?

Another matter, small in itself, but indicating a certain change in public opinion, may be gathered by noting how sensitive nowadays people have become about the sale of public honours. Under the Stuarts, who figure as the gentlemen of their time, in contrast to the vulgar democracy, the sale was public, naked, and unashamed. The only complaint about it in the 17th century came from the Crown, when the fees failed to be paid.

Rushworth, in his *Historical Collections*, Vol. 2, p. 56, says:—

"1620. The King standing in need of a further Supply, the business of Knighthood was retaken into Consideration, being grounded upon a Statute, call'd Statutum de militibus, which had long slept: and now the King issued out a Proclamation, That whereas he had formerly sent forth Writs for summoning all that had £40 Land or Rent by the year, to appear at his Coronation, to receive the Order of Knighthood, he had now awarded a Commission to certain of his Privy Council to treat and compound with those that had made default, and multitudes were summoned to appear at the Council-Chamber."

Somehow or another one does not connect the distribution of royal honours with rating capacity, but there it is.

What the well-bred, well-educated country gentry who came to London and saw the Stuart Court, felt about the life there, may be gathered from John Evelyn's peep into the "glorious apartments" of the Duchess of Portsmouth at Whitehall, "where was a great banquet of sweetmeats and music," the company being "concubines, and cattle of that sort."

Occasionally loyal magnates gave these Stuart monarchs a gentle reminder about the limits of the royal prerogative. "The young Duke of Somerset," writes Green, "was ordered to introduce the Nuncio into the Presence Chamber. I am advised, he answered, that I cannot obey your Majesty without breaking the law. Do you not know that I am above the law? James asked angrily. Your Majesty may be, but I am not, retorted the Duke."

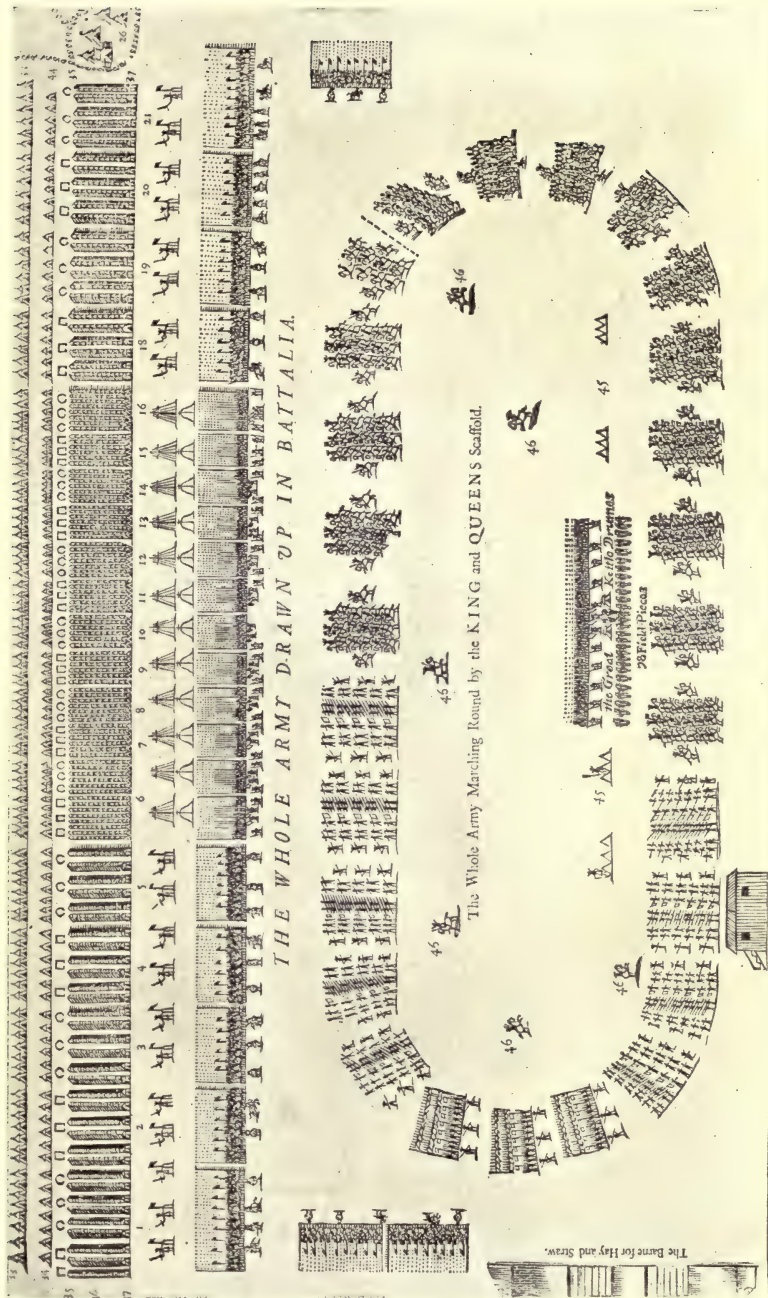
The restoration of the Stuarts did not obliterate the cause of liberty, for they were weak tyrants, and very foolish at that. Imagine a king dropping the Great Seal in the Thames to prevent writs being issued to call a Parliament! What an estimate of cause and effect! One is reminded of Sydney Smith's remark to the child stroking the tortoise, "You might as well stroke the dome of St. Paul's to please the Dean and Chapter."

HOUNSLOW HEATH

FOUR months after James came to the throne, on 22 June, 1685, he issued from Whitehall Sir Thomas Grosvenor's appointment as "Captaine of a Troope of horse," and among the archives at Eaton is a pocket-book, bound in white vellum, on the cover of which is written, "The acct's of raysing my Troope, 1685." In this are recorded receipts and payments between 1685 and 1687. Under "ffor things I bought for the Troope att London," he entered such items as two silver trumpets weighing 72 ounces, which with the engraving cost £28 19s. od. Thirty-six pair of "oyled sheep gloves," cost £3 12s. od. Saddle and bridle, etc., £2 4s. od. Mrs. Barton got £11 3s. od. "for ribons and gloves for ye Troope." Mr. Wills the "Imbroiderer" got £23 2s. od.; and £3 15s. od. was paid "ffor charcole for Campe." The troop seems to have numbered between thirty and forty. I give a few names which may interest Cheshire readers:—Captain Terricke, John Gleave, Benjamin Willcock, Thomas Peake, Edward Mostyn, William Throp, Hugh Dod, Thomas Rothwell or Rodwell, Peter Leigh, Peter and Roger Pennant, Richard Whittby, Jonathan Savage, Semer Dilkes, Robert Brearwood, Miles Martin, "Unckle" Hugh Grosvenor, and brother John Grosvenor, etc. The troop was quartered at Nuneaton and Warwick on the

way to Hounslow. From his pocket-book I gather that Sir Thomas did all he could to provide for the pay, equipment, and commissariat of his troop, which is more than can be said for the Government's treatment of its artillery a few years later. In the House of Commons, 13 March, 1699-1700, there was presented "A Petition of the Master Gunner and Gunners of his Majesty's Castle and Garrison of Chester . . . setting forth, That they are almost Seven Years in Arrear of Pay, and in Subsistence from the 2nd. of December last, and have not had any Cloathing for above Eight Years; they are reduced to a miserable Condition, without Credit; and praying Redress in the Premises. Ordered, That the Petition do lie upon the Table."

The story of James II bringing an army to Hounslow to overawe the City of London, and further his policy of restoring the Catholic faith by force, and repealing the Test Act, which prevented Catholics from holding positions of trust, is too well known to need repetition. Of course the whole thing was a fiasco. There is in the British Museum a paper sheet, printed by George Croom at the Blue-Ball in Thames Street, 1686, giving a plan of the encampment at Hounslow, and showing how the tents, kitchens, barns, bakehouse and hospital were disposed, and how the troops held a general review before the King and Queen, 30 June, 1686. The sheet professes to contain, "The several Exerciseings, Marchings, Facings, Deteachments, and Firings." The words of command are set out in three columns. "Of the Exercise of Horse. Draw your Swords. Put your Swords into your Bridle-Hands. Lay your Hands upon your



REVIEW OF THE TROOPS AT THE CAMP ON HOUNSLOW HEATH, JUNE, 1686

Pistols. Draw your Pistols. Cock your Pistols. Present. Give Fire." Plate 23 is reproduced from the centre part of the sheet.

Bishop Cartwright gives us the date when Sir Thomas "quitted his commission." Whether he resigned voluntarily or perforce is uncertain. Under 8 April, 1687, Cartwright records :—

"That morning Sir Thomas Grosvenor, who had delivered up his commission the night before, came to me for satisfaction, whether in (conscience he) could submit to the taking off the penal laws, to whom I read my papers, with which he declared himself well satisfied, but that he thought the King expected the taking off all penal laws, etc."

The editor of the *English Baronetage* of 1741 gives the following information from Sir Robert Grosvenor, son of Sir Thomas :—

"Sir Thomas Grosvenor commanded a troop of horse in the Earl of Shrewsbury's regiment, and was at the camp on Hounslow Heath; and when the bill came into the house, for repealing the penal laws, and test acts, he was closetted by the King, and proffered the regiment, and a peerage, for his assent, which he refused, preferring the religion and liberty of his country, to all honours and power, so likely at that time to be attended with popery and slavery; and thereupon quitted his commission, went into the house, and gave his negative to it."

After this came the flight of James II, and the arrival of William of Orange. In 1690 came a General Election, one of the most exciting of those agitated times. "Every part of the kingdom," says Macaulay, "was in a ferment." The Sheriffs at Chester returned Sir Thomas Grosvenor and Mr. Richard Leving at the

head of the poll. This return was contested by the two unsuccessful candidates, Roger Whitley and George Mainwaring. They petitioned the House, 27 March, 1690, and the petition was referred to a Committee which confirmed the election of Grosvenor and Leving. The dispute turned on the question whether these two had caused aldermen and apprentices, one witness said to the number of 125, after the issue of the writ, to be given the freedom of the City. One witness, Richard Cooper, told the Committee: "I went with 3 men to the Bear, where Sir Thomas Grosvenor came to us: we told him we had a mind to be made free, but wanted money: he told us to go to Mr. Johnson, and let him look over their indentures." They got the money. The House supported the return of Grosvenor and Leving by 186 votes to 185! A month later Sir John Mainwaring, M.P. for the county of Chester, boldly accused Sir Thomas of Jacobite sympathies, in the House of Commons.

On April 26, 1690, there was a debate in the House of Commons on the Abjuration Bill, a measure enforcing all those in offices of trust to take an oath abjuring all allegiance to James II, during which Sir John Mainwaring said:—

"I will give you my private reason why I am for this Bill. Suppose you have a member within these walls, that should say, 'If you will do as I would have you, send away King William, and send back for King James.' I have an attested copy of this information of one of your members.

Sir John Guise.—When I see a gentleman give you this account, who is not likely to run away, I would have it heard on Monday; and I doubt not but you will think it worthy your care to know who this member was. If he does not

make this out, he is under your censure, and you may send him to the Tower.

Sir Ch. Kemeys.—I know not whether the member that said the words may be here tomorrow, though I believe Mainwaring may be here.

Sir Tho. Clarges.—This is an aspersion upon the whole House. For your own honour, if there be such a rotten limb, let him be named and cut off.

Col. Birch.—It is not to say, 'name him, name him'; but things of this consequence are determined by a question.

Sir John Mainwaring.—Now I am commanded by the House to name the person that said the words, I shall do it. The reason why I did not name him was, because persons have sworn it. I cannot assert the truth of it; but the gentleman is Sir Thomas Grosvenor.

Sir Thomas Grosvenor.—There was a bricklayer in Chester, who said he heard me say some words, when I stood for parliament man. Alderman Streete took the examination of the man: he was privately examined. On Sunday morning I heard of it, and came to Chester in the afternoon, and several citizens proffered to testify upon oath what this fellow was. He was bound apprentice to a person in Chester, whom he robbed, and another at London, and then turned fortune-teller. He came to Chester, and nobody would employ him, he was such a lying fellow. I caned this fellow for ill work he had done for me, and he swore he would be revenged of me. Alderman Streete threatened to lay this man by the heels if he would not swear against me. He sent the Examination to Lord Shrewsbury. Col. Cholmondeley carried the letter to my Lord, and the Examination, which attested the villainy of this fellow. I entered into a recognizance of £5,000 to clear myself.

Col. Cholmondeley.—I am sorry this thing has been mentioned. Lord Shrewsbury told me 'That Sir Tho. Grosvenor need not trouble himself, for this was some quarrel only about elections.'

Mr. Shackerley.—I must justify this person. Because he would not take the Test, he was turned out of the army. A letter was sent from Captain Middleton to cast bullets for

the army out of the lead mines; and this Streete made use of the letter for casting of bullets for King James.

Sir Robert Cotton.—I know this Streete did promote the business, when the City of Chester declared for the Prince of Orange.

Mr. Wharton.—I am sorry when there are any personal reflections in this House; but if you cannot get off from it at present, appoint a day. The gentleman is not accused by Mainwaring, but for his justification, hearing this thing, he thought it his duty to acquaint you with it."

The subject seems to have been dropped, for I can find no further mention of it in the records of the House.

Curiously enough, after the election at Chester in 1695, which, according to an old account cost Sir Thomas £1,438 6s. 9d., Sir William Williams, Kt. and Bart., Recorder of Chester, petitioned the House of Commons saying he was engaged at the request of Col. Roger Whitley Mayor, and others to stand for election, and that the Mayor, and Sir John Mainwaring and Sir Thomas Grosvenor "clandestinely consorted to frustrate" his election by bribes and menaces with violence. The House ordered that it be enquired into. A week later Sir W. Williams asked leave to withdraw his petition. I suppose these politicians fell in and out with each other as they do to day. (*Journal of the House of Commons*, 13 December, 1695.)

In the *Journal* for 27 February, 1695-6, is to be found the words of what is called an "Association," commencing :—

"Whereas there has been a horrid and detestable Conspiracy formed, and carried on, by Papists, and other wicked and Traitorous Persons, for assassinating his Majesty's Royal

Person, in order to encourage an Invasion from France, to subvert our Religion, Laws, and Liberties: We, whose Names are hereunto subscribed, do, heartily, sincerely, and solemnly, profess, testify, and declare, That his present Majesty, King William, is rightful and lawful King of these Realms," etc.

Then follows a list of signatures of M.P.s, but under the City of Chester is the name of Whitley but not that of Grosvenor. I do not know how Sir Thomas came to escape trouble with regard to this abstention. His intimate friend and relative, Francis Cholmondeley, a few years earlier got into considerable difficulty for a similar breach of duty. On 7 January, 1690, the House of Commons sent for him, and two days later he attended, when the Speaker told him the House had noted his absence, "and that now he was come, he was to tender to him the Oaths of Allegiance, and Supremacy." "To which Mr. Cholmly replied, That, as to his Absence, both when he was in the Country, and since he came to Town, he had been infirm and lame . . . and could not as yet recover himself: And that he had endeavoured to qualify himself to be a Sitting Member of the House, by taking the Oaths, as the House expects; but that he could not as yet do it; And therefore humbly submitted himself to the House; and that he did it not out of any wilful Humour." It was Ordered, That the Serjeant at Arms attending this House do take into his Custody the said Mr. Cholmly; and convey him to the Tower.

The last years of Sir Thomas Grosvenor's life were clouded with misfortune. The dynasty on which he and

his family had fixed their affections, and to which they had shown much fidelity, had proved "as stairs of sand." The wife to whom he had been devoted for over twenty years, began, about 1697, to develop a mental aberration that closed for ever, between him and her, that most understanding intimacy, the mystic magnetism of married life. Some indiscreet Catholics were no doubt ready enough to take advantage of her hospitality at Eaton, and profit by the protection afforded by her husband's position, and so, in 1689, Colonel Charles Trelawny reported to London from Chester, September 2 :—

"The frequent and great meetings of Roman Catholics every week at Sir Thomas Grosvenor's, have occasioned his neighbours to complain of him; and particularly that on Friday last was sennight there was an assembly in which were several Jesuits and other priests. Sir John Morgan acquainting me of this, I thought it my duty to let your Lordship know it." The Earl of Shrewsbury replies from Whitehall Sep. 7, "What you write about Sir Thomas Grosvenor shall be laid before the King. Though my present thoughts are that, if it be sufficiently known at what time any priests or Jesuits are assembled at his or any other house, there should be no hesitation in the magistrates to order their arrest, or for the military power to assist; they taking care to distinguish between an innocent meeting of neighbours, and a cabal of such whose assembly would be unlawful." (*Calendar of State Papers Domestic*, 1689-90, page 238.)

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These anxieties doubtless wore away his strength, and the only known record of his illness and death appears thus in Luttrell's *Relation of State Affairs* under date 2 July, 1700 (Vol. 4, p. 662): "Sir Thomas Gros-

venor, member of parliament for Chester, is dead of a feavour." A few days before his death Sir Thomas made a will leaving "the sole tuition and guardianship" of his children to Sir Richard Myddelton of Chirk, Thomas Cholmondeley, and Francis Cholmondeley, till the children are 21 years of age. To his wife he left the use of Eaton until the marriage of his eldest son, and his coach and six horses.

THE TRAGEDY

AFTER the death of Sir Thomas, and his funeral on July 2, 1700, Dame Mary remained at Eaton, and on July 29 gave birth to her daughter Anne. At this time her eldest boy, Sir Richard, was 11, Thomas $6\frac{1}{2}$, and Robert 5. The day before Sir Thomas was buried she introduced into the domestic circle a Catholic chaplain, Father Lodowick Fenwick, a Benedictine monk, son of William Fenwick of Bywell in Northumberland, and brother of Mrs. Turnour. There was also in the house at this time, the Rev. Dr. Charles Madison, Protestant tutor to the boys.

Mr. Brerewood, a relative and old friend, remained for several weeks as a visitor, and testified afterwards to the difficult problem that arose for Dame Mary's family, and the trustees of her children, as to her mental fitness to control her affairs. A young widow of 35, wilful in character, well-to-do, and therefore independent, at times unsettled in intellect, and liable to take extravagant notions into her head, was no light responsibility. Some recommended taking out a Commission of Lunacy, but others, said Mr. Docwra, "advised against it . . . we considered she was a woman of considerable estate, and her eldest son Sir Richard, a baronet of this kingdom, an ingenious hopeful young gentleman, who might suffer much in his fortune hereafter, should his

mother be proved a lunatic upon record, and thereafter we did forbear it."

About the month of September Dame Mary announced her determination to travel abroad with her Catholic chaplain, which caused much anxiety among her friends. Mr. Cholmondeley "endeavoured what he could to stop her," but all to no purpose. When Mr. Brerewood urged her not to go, she told him to "get his things ready and go along with her," but later on, after he had left the house, she sent him a message saying he was not to go, as she had "no occasion" for him. So, in October, she left Eaton for her mother's house on Millbank, to prepare for foreign travel. Here she stayed several weeks, and during that time went down in her "coach and six" to Little Parndon in Essex, on a three days' visit to Mr. and Mrs. Turnour. Whilst there she did "earnestly solicit and importune" Mrs. Turnour to go with her into France. To this Mr. Turnour did not at once consent, but it was afterwards agreed by letter that Mrs. Turnour should take her little girl, who had been unwell, and go as far as Paris, until the child's health was improved. It was during this visit to Parndon that Dame Mary met, probably for the first time, Mr. Edward Fenwick, an elder brother of Father Fenwick and Mrs. Turnour. From Parndon Dame Mary returned to Millbank, and the Turnours went into lodgings at the Unicorn, a goldsmith's in Russell Street, Covent Garden, "to prepare for the journey." To this house, says Mrs. Turnour, came Dame Mary "in her own coach," with her half-sister Mrs. Seymour, and asked Mrs. Turnour to meet her

next day "at a Picture-Drawer's, one Mr. Dolls, in Leicester Fields." So Mrs. Turnour went, and found her Ladyship sitting for her picture, and with her were Lady Gascoigne, Lady Russell, and Mrs. Seymour. Mr. Dolls was Michael Dahl, and this portrait is reproduced from the original¹ on Plate 24 (Frontispiece, Volume II).

All things being prepared, on a day towards the end of October, the party set out from Millbank to Dover, and there was a considerable gathering of relations and friends to see them off. It was in the forenoon, and "there was meat set on the table, and the company invited to eat." Mrs. Tregonwell was not there, but Dame Mary's half-sisters, Mrs. Seymour and Mrs. Warre, were both present. Perhaps Mrs. Tregonwell objected to the expedition. Mrs. Foster, who was present, said that most of the friends were very merry and well satisfied with her taking the journey, though some were not. Thomas Radclyffe, Lord Derwentwater's brother, came to say good-bye to his relative Mrs. Turnour, and said he was there about three hours, that Dame Mary appeared only about half an hour before he left, and ate and drank nothing. He saw "her with her company take water to ferry over," at the Horse Ferry close by. Mr. Fortescue, Mr. Andrews, Mrs. Manners, Mr. Edward Fenwick, and Mrs. Burdet of Gray's Inn were also present when the party crossed the Thames.

¹ Walpole in his *Anecdotes* gives a portrait and a favourable criticism of Dahl: "His colouring was good; and attempting nothing beyond portraits, he has certainly left many valuable pictures. . . . In my mother's picture at Houghton there is great grace, though it was not his most common excellence." Dahl was buried in St. James's, Piccadilly, 1743.

Plate 25 is the reproduction of an engraving dated 1720, in possession of the Free Public Library of Westminster, probably of foreign origin, inscribed "*La Ville de Westmunster,*" and "*Printed and sold by J. Smith in Exeter Change in the Strand.*" The letter A is put over Peterborough House, and is thus identified on the engraving, but the building faces the wrong way. B is placed against the Horse Ferry, but on the engraving is identified as the "*New Chappel.*" The interest of the plate is that it actually gives what appears to be a coach and six horses on the ferry, just as no doubt they were, when Lady Grosvenor and her party set off for Dover.

Trifling details these, but of such is every living picture. We are back again; Queen Anne is not dead, indeed she is not yet crowned. Somewhere in the town Sir Christopher Wren is superintending the completion of St. Paul's, and old London Bridge is not yet broken down. Mr. John Evelyn has recently paid a visit to Mr. Samuel Pepys at Clapham, "where he has a very noble and wonderfully well-furnished house, especially with Indian and Chinese curiosities."

Meanwhile, Dame Mary's servants are bustling to the ferry barge with her baggage, and consoling each other's anxiety as to her welfare, for they have sometimes had much ado to look after her, with the thought that Mrs. Cookson, the housekeeper from Eaton, is going with her, as well as Will Jennings who has served her as footman for many years. The collation is finished, the Benedictine monk in the secular habit of an English gentleman, collects the travellers and their

traps; the anxious relatives and friends chat with one another, wondering what is going to happen; whilst Catholics and Protestants eye each other suspiciously. Meanwhile the irresponsible widow, no longer controlled by her faithful husband, bent on travel and liberty, unconscious of anxiety, drifts into a wilderness of woe as her coach and six rambles down the Dover Road.

It is important to note exactly who went on this journey. Dame Mary, Mrs. Turnour with her little girl, and Father Fenwick, formed the party. Attendant on them were Mrs. Bucknall, waiting-woman to Mrs. Turnour; Mrs. Selby, waiting-woman to Dame Mary; Mrs. Cookson the housekeeper from Eaton; Jane Smith a cook-maid, William Jennings and Thomas Miller "foot-boys"; and at Calais, Father Fenwick engaged another youth named Thomas Lodge. Mrs. Selby was related to the Fenwicks, and says they "called cousins," but she did not know how. Dame Mary never saw her till a few days before the journey, when she met her "at the house of one Mr. Bull in Westminster," and on Father Fenwick's recommendation, took her "to be her woman to attend on her." She was told "to take a place in the Dover coach," Dame Mary's vehicle being full.

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The travellers reached Paris about the middle of November, and lodged at the Grand Monarque Hotel in the Faubourg St. Germain. At this time the exiled James II resided in the Château at St. Germain-en-Laye, and a number of English Catholics and Jacobites lived in and around the precincts. Some were pensioners of



VIEW OF MILLBANK AND THE HORSE FERRY

the French King, and most were in needy circumstances after political misfortune, but all were inspired by the hope of recovering what they had lost, by a successful Jacobite rebellion in England.

From all accounts the party seem to have enjoyed much company and sight-seeing in Paris. Mrs. Turnour says they went about in a "coach and six horses" to see all the remarkable things. There was a Mr. John Errington, from Beaufront in Northumberland, another cousin of the Fenwicks, and as he knew some of her friends, Dame Mary sent him a message saying that she would like to speak to him. So he went to the Grand Monarque, and she gave him "some little packets" for her friends in England as he was about to go there. He stayed and supped with her, and she asked him, as he was acquainted with the Court of Versailles, to go next day with her thither to see the ceremony of the "Duke of Anjou's setting out for Spain," and told him "she was to go in her coach and six horses," but he "being engaged to go to in other company excused himself." She also consulted him, he says, about paying her respects to "The Lady Manchester," the "Embassador's Lady." Dame Mary had been told that it was not usual to make a public appearance upon such visits in her "strict widow's dress," and she thereupon desired Mr. Errington, who was very intimate in the family of the Lord Manchester, to find out if Lady Manchester "would take it amiss," if Dame Mary appeared in "hood and scarf," such not being "a proper or usual dress to visit a Lady of her quality in." Mr. Errington says that he went to Lady Manchester's next

day, and wrote the result of his interview to Dame Mary, but she had not returned from Versailles, and Mr. Errington had to start for England, so we hear no more about it.

Two other gentlemen, Mr. William Delaval, and Mr. Byerly, were very attentive to Dame Mary. Mr. Delaval was an officer who had been quartered at Chester some years before, and knew both Sir Thomas and Lady Grosvenor. Both of them were in Chester in 1687, and appear in Bishop Cartwright's Diary. Delaval says that he had lived in Paris for seven years, "upon a pension from the French King." Mr. Byerly tells us that Father Fenwick wrote to him while Dame Mary was in Paris, "to know when the Prince of Wales went a hunting, for my Lady had a mind to see him." Living then at St. Germain, Mr. Byerly "sent him word that he hoped he would accept of a dinner; and Father Fenwick sent him back again word that my Lady would not give him the trouble of a dinner, but would eat something with him cold, and he prepared a cold collation for her, which cost him three Louis d'or." Mr. Byerly also "provided a lodging" for Dame Mary at Versailles, "on that day that the French King and the King of Spain were to part," when he also "procured an order for the water-works to play," all which he was induced to do, "having received many civilities from her family when he lived in England."

Then there was a young man called Francis Moore, of Fawley in Berkshire, a Catholic, who says that he used to visit Dame Mary, and met there several of the English gentry in Paris, Lord Windsor and his brother,

Mr. Sackfeild, Lady Arthur, and Mrs. Conn; and Mrs. Turnour adds to these Lord and Lady Milford, Lady Throckmorton, Lord Teynham and Mr. Roper.

After they had been in Paris a little while, Dame Mary got it into her head that Mrs. Cookson should go into a convent. This does not seem to have been any part of Mrs. Cookson's programme, who says, "I did not go over to France with an expectation of being placed in a nunnery." Indeed she says, "I was prevailed upon to go with her and depending on her kindness that she would provide for and bring me into England again." She says she tried the convent, "to comply with the mind of my Lady." It seems that Mrs. Cookson knew the daughters of Sir Thomas Tyldesly, who were in the "Augustine Nunnery," so she went to them for ten days, and was very kindly treated. Dame Mary got Mr. Moore to arrange all this, and he says that when Mrs. Cookson came back from the convent, Dame Mary was annoyed and discharged her, and got Mr. Moore to arrange for her to go back to England with some gentlemen that were crossing over. Dame Mary also sent back at the same time her footman, William Jennings, and her cook-maid Jane Smith. The explanation given by Mrs. Turnour for these changes was that Dame Mary had made up her mind to proceed to Italy, and that one Mrs. Talbot had told her "that it was customary in general upon that journey for persons to travel with as few servants as they could, by reason of the expense," the mode of travelling being by litter. There seems to have been some vacillation in Dame Mary's mind as to this Italian trip, for both

Mr. Delaval and Mr. Byerly were present when Father Fenwick told her "he had provided litters for the journey and had given twenty pistoles earnest; upon which she declared that she would not go to Rome, but would return to England again, and desired Mr. Byerly to go and hire the Calais coach for her." Upon this Father Fenwick desired "he might be left alone with the Lady, and he would soon make her change her mind." The visitors then retired.

At the end of January Mrs. Turnour received a letter from her husband saying he was ill, so after her child had been touched for the evil by King James, she set off for England, and Dame Mary started for Italy.

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The reason for Dame Mary's pilgrimage to Rome was that she might take part in the celebration of "The Holy Year of Jubilee." Father Thurston, S.J., published, under this title, in 1900, an admirable volume, describing and illustrating the ceremonies of the Jubilee, with much interesting information as to their origin and symbolism. The Jubilee is a Christian imitation of that ordained under the Old Law in the 25th chapter of the book of Leviticus. "In imitation of this Old Testament prototype," says Father Thurston, "the Christian Church also has established its Jubilee, proclaiming from time to time 'a year of remission' from the penal consequences of sin." To gain this Indulgence pilgrims flocked to Rome from all parts of Europe, to fulfil the necessary conditions, the first and most essential being "that the sinner must be reconciled with God

by sorrow for the past, and a firm purpose of amendment." In Rucellai's *Relazione* (1450), quoted by Father Thurston, we get a simple account of the conditions :—

"By the Jubilee, which takes place once in fifty years, is meant just this : it is the plenary remission of all your sins, obtained by going to Rome in the said year of Jubilee and remaining there for at least 15 days, making every day a visit to each of the 4 churches, to wit, St. Peter, St. Paul, St. John Lateran, and St. Mary Major. It is understood that you go there with confession, contrition, and satisfaction, and having a true sorrow and true repentance and true detestation of all the sins that you have ever committed; and also that you have performed the penance which your confessor may have imposed, so that the visits which you have to make each day to the end of the 15 days may be made with a clean heart, purified from all the filth of sin."

The Jubilee of 1700, writes Father Thurston, "seems to have attracted more attention in England than any other Holy Year either before or since." George Farquhar, the dramatist, introduced it into the titles of two comedies, *The Constant Couple; or, A Trip to the Jubilee*; and *Sir Harry Wildair. Being the Sequel of the Trip to the Jubilee*. The first of these Farquhar dedicated to Sir Roger Mostyn, a relative of Sir Thomas Grosvenor. In neither do we get more than allusions to the Jubilee. "There's more Glory in her Smile," says Sir Harry Wildair, "than in the Jubilee at Rome; and I would rather kiss her Hand than the Pope's Toe."

"Clinch Senior. Why then, Sir, you maybe sure that I am going to the Jubilee, Sir.

Clinch Junior. Jubilee! What's that?

Clinch Senior. Jubilee! Why the Jubilee is—faith I don't know what it is.

Dick. Why, the Jubilee is the same thing with our Lord Mayor's Day in the City; there will be Pageants, and Squibbs, and Raree Shows, and all that, Sir."

Dame Mary did not arrive at Rome in time to take part in the Jubilee of 1700. She and her party went *via* Genoa, and arrived at the holy city towards the end of March, 1701. "The elevation of Clement XI to the papacy," says Father Thurston, "was marked by the celebration of the fifty-fourth extraordinary Jubilee in 1701," so she was in plenty of time for this.

In the year 1699, D. Edwards in Fetter Lane, published, for the moderate sum of twopence, "A true and exact account of all the ceremonies observed by the Church of Rome at the Opening, during the Progress, and at the Conclusion of the next approaching Jubilee in the year 1700"; of which there is a copy in the British Museum. The writer describes a ceremonial peculiar to the Jubilee, "which is the opening of the Holy Gate . . . this Holy Gate is one of the gates of St. Peter's Church in the Vatican, which is always shut, nay even bricked up during the interval betwixt the Jubilees, which always begin with the opening of this gate." He then describes how on Christmas Eve, "about the time of Vespers," a procession of ecclesiastical and civil functionaries accompany the Sovereign Pontiff to the Sistine Chapel, and from there to St. Peter's Church, being followed by the Holy Father in person, "who is carried in a chair to the

Holy Gate . . . Everybody having taken his place, the Holy Father gets out of his chair and with a lighted wax taper in his hand walks up three steps to another chair, placed for that purpose just by the Holy Gate. After he has reposed a little he rises, and turning himself towards the Holy Gate, he knocks with a silver hammer on the Holy Gate which is to be opened, and sings likewise three several times the following verses, unto which the musicians who compose the chorus answer at each time :—V. *Aperite mihi portas justitiæ.* R. *Ingressus in eas confitebor Domino*, etc. After these versicles and responses masons begin to demolish the wall."

Mr. Pepys's nephew, J. Jackson, wrote an interesting account of the opening ceremonies of the 1700 Jubilee, which is published in Pepys's correspondence. Another English visitor quoted by Father Thurston says that "the innumerable concourse of strangers that are come hither upon the account of the Jubilee is so incredibly great, that the country adjacent is scarce able to supply 'em with provisions."

After the strange experience of being rocked in a litter from Paris to Rome, along highways crowded with pilgrims, riding, driving, walking and being carried to and from all parts of Europe, Dame Mary wrote to Mr. Arthur, her Paris banker :—

"Rome. 1701. Mr. Arthur. I am come safe and well here, tho' the Fatigue of the Journey was tedious and strangely troublesom. I hope you have by you the 3,000 livres paid, and the 100 Lewis d'ors I had from Mr. Ludlin, and 100 here to goe Munday to Naples, and more I shall

have to returne to Paris back from Rome. I am perswaded to doe you Service to take in Mr. Ludlin's Bill, however to you I will account, and I hope Ladyday being over of so many hundred Justly due to me, some such sumes as I hope will be answered. If not I move not from Paris till you have nothing but gain. I have seen all the Fine Churches, pallaces, and Gardens, and the Pope and his travelling Equipage. Bpp Ellys is sick. The Cardinalls are all fine in their houses. I have bought some pictures and fflanne ffoolish to loose my Money, however I like them tho' not much worked. I am Clog'd with princes and princesses and pallaces, I hope to dye a Country Farmer with four or Five Servants in Greif. My service to your Family and believe me to be Sir, your Friend and Servt. M. Grosvenor."

There are a few records of Dame Mary's visit to Rome. Mr. William Lawson, a Catholic, born at Stillenham in Yorkshire, was laid up with a broken leg, and received a visit from her, as she had known his sister in England. He tells us that she lodged "near a place called Mount Trinity," and visited with "persons of distinction," was always treated with great respect, and that a few days after her arrival she went to Naples, and came back in about ten days.

Another gentleman who called upon her was Mr. Rowland Belasyse, a man of about 24, born at Smithells in Lancashire. He says he visited her Ladyship "in respect as being an English gentleman, and as is usual amongst gentry of the same nation when abroad." He mentions other visitors, Colonel Jostleyn, Mr. Perkins, and Mr. Talbot. There was also a Mr. Thomas Price, who met Dame Mary at Rome in April, 1701, in company with Mr. Whitley, and he says he found her "disordered in her mind," and that this was the opinion of

most persons there. She told Mr. Price that she loved his father dearly, "but as to his grandfather, he was as great a rogue as ever spoke with a tongue." He met her later on "at a music meeting, where she talked very loud and extravagant, and disturbed the company," and he heard Father Fenwick rebuke her roughly. Bishop Ellis met her also, and testifies to her sad condition. He and Mr. Lawson saw her off when she returned to Paris via Loretto, Mantua, Modena, Lyons, Roanne and Orleans.

Addison travelled from Loretto to Rome probably a short time before Dame Mary went from Rome to Loretto. He speaks of the fatigue of this journey being very agreeably relieved by the variety of its scenery:—

"We saw in six Days travelling, the several Seasons of the Year in their Beauty and Perfection. We were sometimes Shivering on the top of a bleak Mountain, and a little while after Basking in a warm Valley, covered with Violets and Almond trees in Blossom, the Bees already swarming over them, tho' but in the month of February. Sometimes our Road led us thro' Groves of Olives, or by Gardens of Oranges, or into several hollow Apartments among the Rocks and Mountains, that look like so many natural; as being always shaded with a great Variety of Trees and Shrubs that never lose their Verdure."

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While Dame Mary's party were pursuing their circuitous journey, Mr. Edward Fenwick, whom we left at the Horse Ferry, watching the company cross the Thames, being convinced that Dame Mary had taken a great liking to him during her visit to Parndon, and being advised by his cousin Thomas Radcliffe "to

pursue his courtship," went over to Paris, and got there, he says, "some few days after Dame Mary had Started for Rome." Not finding the object of his affections as he expected, he resolved to return to England, but was stopped by receiving a letter from Francis Radcliffe, asking him to become "Governour" to young Lord Radcliffe, Lord Derwentwater's eldest son. He accepted the situation, and remained where he was. Young Lord Radcliffe soon joined him, and at an early age began his experiences among Jacobite surroundings, that ultimately caused him to lose his head on Tower Hill, after the rising of 1715.

In expectation of Dame Mary's arrival in Paris, Mr. Arthur, her banker, together with Mr. Edward Fenwick, went to the Hotel Castile, in the Rue St. Dominique, and took apartments for the party on the ground floor, next the garden, with rooms upstairs for the servants. The house was kept by a Madame Dufief and her husband, who occupied a room adjoining Dame Mary's, and separated from it by a lath and plaster partition.

Late on Sunday night, June 12, 1701, Dame Mary and her suite arrived at the Hotel Castile. She had been very unwell at Lyons, and was greatly fatigued by the journey. On Monday she rested in bed all day, but on Tuesday received Mr. Edward Fenwick and other visitors. The next day, Wednesday, she was taken ill, and a doctor was sent for, who prescribed an emetic. On Thursday the doctor came again, and ordered opium in pills. On Friday, by the doctor's orders, she was bled by a surgeon, and opium was again administered. There is no evidence that she left her bed, and much

that she was dangerously ill. On Saturday Mr. Edward Fenwick announced to his friends that he and Dame Mary were man and wife.

The circumstances surrounding this mysterious marriage in the Hotel Castile were for four years the subject of vigorous controversy in various courts of law, and will duly appear in their proper place. It is sufficient here to state that immediately after the event, Mr. Lewis, Secretary to the English Ambassador at the Court of Versailles, reports that some foul play was suspected. He says that he "heard from several witnesses, and talked of, particularly in the chocolate and coffee houses, that Dame Mary Grosvenor had lately received ill-usage from Lodowick Fenwick, and persons about her, in carrying on intrigues to impose upon her in the marriage in question, and that she resented the same, and complained thereof to several persons, particularly to Anne Benson alias Bracey, and that she had, as it was said, told such persons of her Ladyship's design to apply to the Lord Ambassador for his protection, and that she wished he would take her out of the hands of these people about her." Lord Manchester himself wrote to Mr. Secretary Vernon, sending him "an account of what has happened to Lady G . . . r here." "I think," he writes, "her relations should be informed of it, and at least her estate, which is very considerable, should be preserved for her children. She has been intirely in with those of St. Germain's."

I wish I could find the enclosure referred to by Lord Manchester. The lack of it caused the late Duke of Manchester to credit Dame Mary with being a Jacobite

spy. In *Court and Society from Elizabeth to Anne*, Vol. 2, p. 138, he writes, "A lady of greater celebrity than Lord Montgomery's wife is incidentally mentioned among the Jacobites, whose activity was, however, arrested by the ill condition of James's health and the uncertainty which prevailed," he proceeds to quote Lord Manchester's letter to Vernon about Dame Mary's matrimonial trouble, thinking it referred to her being a political agent for St. Germain.

What she herself had to say about the matter she wrote shortly after to Mr. Andrews:—

"As to the particulars of my ill usage, they will be sufficiently proved by others, so that I need say nothing of it now; and as to the main point of the pretended marriage, I positively deny it, and so will swear, and shall never own any such thing, it being absolutely false; for I never saw book, or heard marriage words, nor said any."

I have failed to locate exactly either of the hotels, the Grand Monarque, or the Hotel Castile, even with the kind assistance of M. Marcel Poète, who believes they existed in the quarter of the Faubourg St. Germain and not in the town of St. Germain-en-Laye. In Dr. Eyre's deposition he says he lived "in Butchers Street in the suburbs of St. Germain," and Lady Grosvenor lodged in the "Hotel Castille, Dominic Street, Suburbs of St. Germain." The persistent allusion to "Paris" throughout both the trials that followed lends force to M. Poète's opinion.

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Dame Mary came back to her mother's house on Millbank about July 7, and proceeded at once to get

rid of Father Fenwick, Mrs. Selby and Miller. Her conversation was so incoherent, it was hard for her friends to judge what was best to be done. She indignantly denied her marriage in Paris, and said she had been scandalously imposed upon, but whatever serious evidence she offered was so mingled with fantasy, that it was wisely determined to get her to Eaton, before she could be seized by Fenwick. During the few weeks she stayed at Millbank her mother wrote to Thomas Cholmondeley at Vale Royal, to consult him, and offer advice about Dame Mary's future. In one letter he replied, "I think it will not be long till her pretended husband seizes her, for my part I did not think she would have been now in your possession." He adds, "I thinke it would bee satisfaction to you if you saw the pretended husband and my Lady together, and hear what was said, and see my Lady's carriage to him; and have some person of note present with you, and this to bee by some accident." This shows that Thomas Cholmondeley wanted in the first instance to be fair to Fenwick, but how came he to suggest a conference that would lead to her seizure? Anyway, on August 13, "about 8 o'clock at night, in company with Mrs. Small, and attended by Mr. Andrews, two footmen, a coachman, and a postilian," she drove off to Chester. She got to Eaton some days later at two in the morning, according to Mr. Piggot the steward. "I and my family were in bed," he says, "and we were called up, and then she continued that night running up and down the house, and at about 5 in the morning went to dinner, as she called it."

THE ATTACK ON THE MANOR

EDWARD FENWICK came to London from Paris about three weeks after Dame Mary, and went to Mrs. Tregonwell's house on Millbank to claim his bride. The only person he saw was Dorothy Brough, Mrs. Seymour's maid, who told him Dame Mary was gone, and gave him a message from Mrs. Tregonwell to the effect that her daughter disowned him for her husband, and that she refused to say where Dame Mary had gone to. The bride was not all Mr. Fenwick wanted, he was also seeking her property, and to secure this he forthwith opened his campaign. The battu began 12 August, 1701, the day before Dame Mary started for Eaton, the first shot being fired by George Pinkard, of the parish of St. Clement Danes, who went to Mrs. Tregonwell's house, and personally served Dame Mary with a citation issued out of the Spiritual Court of the Dean and Chapter of Westminster, at the suit of Edward Fenwick, giving her an English note of the contents thereof. In this she was summoned to appear, October 30, "to show cause why Edward Fenwick should not have the benefit of his conjugal rights."

On October 30 proceedings began, Alexander appearing for Fenwick, and a proctor named Lee for Dame Mary. Now the curious part of the matter was, that Lee was not employed by Dame Mary's proctors,

but by an eccentric lunatic acquaintance, about whom we shall hear more. Her lawyers thought this "contrived appearance" was worked in collusion with Fenwick, but it was not. The Judge, Dr. Pagitt, very jealous about his jurisdiction, accepted Lee, who luckily said the safe thing, pleading that Dame Mary always resided at Eaton, and was therefore not subject to the Court's jurisdiction. Against this Alexander urged that Dame Mary was for some time resident at Millbank before going to France, and that the house was hung with mourning when Sir Thomas died.

On November 12 the Court decided that it had jurisdiction, and the next day Nixon appeared for Dame Mary and denied the same, but the Court accepted Fenwick's "libel," or statement of claim, and made an order that Dame Mary should reply. She neither replied nor appeared, so Alexander fixed the decree for her appearance to the outer gates of Mrs. Tregonwell's house. What happened was that her lawyers carried off her cause to the Court of Common Pleas, where they applied "for a prohibition to the Spiritual Court of Westminster." Affidavits were put in from Elizabeth Selby and Dorothy Brough, the first saying the house on Millbank was Lady Grosvenor's, and that she had seen the escutcheon of Sir Thomas over the door after his death; the other affirming that the house belonged to Mrs. Tregonwell. The prohibition was refused, and Fenwick proceeded to develop his cause at Westminster by collecting depositions, and sending a request to the Archbishop of Paris to examine certain witnesses in that city.

And on and on they went, adjourning, filing, and talking, until both sides agreed to transmit the cause to the Delegates, the Court of Appeal for Spiritual Causes. The date of the Royal Mandate for transmission was 29 June, 1702, but as the Delegates did not adjudicate till February, 1705, we can for the present leave the ecclesiastical evolution of the cause, and follow its developments before the secular tribunals.

CHANCERY

ON October 25, 1701, the Dowager Countess of Peterborough, W. Green, and other Grosvenor tenants, petitioned the Lord Chancellor, saying they would continue paying their rents, "in case they did know to whom they might pay the same with safety," but they are in a perplexity, for one Fenwick "doth pretend" that he is married to Lady Grosvenor, doth claim arrears of rent, and "growing rents," and for non-payment hath served "Declarations in Ejectment." They are advised they cannot pay their rents to him with safety, because Lady Grosvenor "affirms that she was never married unto the said Edward Fenwick," who threatens to "eject them," so that they "are like to be put to great charges and expenses in defending themselves in several suits at law . . . for one and the same duty." "In tender consideration whereof," and as the Orators "are remidiless in the said premises by the strict rules of the Common Law, and will, unless assisted by this honourable Court," be put to great charges, they pray to bring their several rents into the Court, until it shall be determined to whom they belong. They pray also that all proceedings against them at Common Law may be stayed.

Two days later, the Court ordered that these plaintiffs be guarded from litigation until Fenwick

answer their Bill. This he did on November 6, and asserted that he was Lady Grosvenor's husband, complained that her agents hindered his having his rights, and said he had no knowledge of her denial of their marriage. On this the Court ordered that the injunction obtained by the plaintiffs "shall stand dissolved," unless they "show cause to the contrary."

On November 13, the plaintiffs returned to the fight, and pleaded that Lady Grosvenor denies the marriage, that witnesses have been sent for from Paris to prove it a fraud, and that until these come, no defence at law can be made. They plead that the lady is not always in her right mind, and that Fenwick has put his libel into an Ecclesiastical Court to prove his marriage, so, "let him prove his marriage there before he can be admitted to go to law for the Lady's estate." After due argument on both sides, the Court ordered, "That the said Plaintiffs do in four days next bring into this Court all their rent due for the premises in question, at or before Michaelmas last, and thereupon the said Injunction is hereby continued until the said Lady Grosvenor hath answered the Plaintiff's Bill, and this Court make other order to the contrary; but in default of the Plaintiffs bringing their said rents into Court by the time aforesaid, the said Injunction is from thenceforth to stand absolutely dissolved."

Nothing of consequence, except a wrangle about rents, occurred till January 29, 1702, when there was a further argument, after hearing which, the Court ordered that a trial at law be had at the Bar of the King's Bench next Easter term, to try if Edward

Fenwick was married to Lady Grosvenor, and for that purpose Fenwick is to proceed on the ejectment already brought, "and the same is to be tried by a special jury of the County of Middlesex, and for that purpose the Sheriff of the said County is to attend the Secondary of the Court of King's Bench, with his book of freeholders, whereon 48 persons are to be named, and each party is to strike out 12 apiece, and the remaining 24 are to be returned of the jury." The rents are to be paid into Court, the plaintiffs are to reply to Fenwick's answer, also a Commission is to issue during vacation, for examination of witnesses.

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While Dame Mary's tenants were thus trying to find a stable footing for themselves, Fenwick, on November 29, 1701, filed a Bill of complaint in Chancery, describing how Lady Grosvenor had taken a wondrous fancy to him, and married him on 18 June, 1701, in Paris; by which marriage he had become entitled to the lady's fortune, amounting, he believes, to £30,000, at least, and an interest in lands in Cheshire, Westminster, and Chelsea, and a great personal estate, mortgages, bonds, plate, "old gold guineas," jewels, medals, "great parcels of rich linen," household stuff and furniture, "several sums of money placed out at interest in the Exchequer, or in the Bank of England." He, being thus entitled, expected these benefits, but, "so it is, may it please your Lordship, Mary Tregonwell, Thomas Cholmondeley, Sir Richard Middleton, Countess Dowager of Peterborough," and others, "have with-

drawn, and do conceal the said Dame Mary Grosvenor from your Orator, and the said confederates . . . have possessed themselves of all her real estate, and her jewels, plate, rings and watches, with tapestry hangings . . . deeds, court rolls," etc., and, "with an intention to oppress your Orator, several bills have been by the . . . confederates brought against him in this honourable Court, and also several actions at law, thereby to oblige your Orator to accept such terms and proposals as they think fit to make; and do give out that your Orator shall never be one penny the better for his said marriage, unless he complies with them, and have utterly declined all manner of friendly applications and accommodation of matters, and have necessitated your Orator to libel in the Spiritual Court for obtaining his said wife." He says the confederates "have rejected all friendly offers and proposals made unto them, and have declared and given out in speeches that they will spend the said Dame Mary Grosvenor's whole estate in law, before your Orator shall be one farthing the better or have his said wife, or any part of her estate of any kind; but that if your Orator will desist his claim to the said Dame Mary Grosvenor and her estate, your Orator shall have a very large allowance and satisfaction made him for his trouble and pretences." He wants to know "what jewels the said Dame Mary now or lately had, and of what value, and whether pawned or sold, and to whom, and when?" He is possessed by the idea that Lady Peterborough, Mr. Cholmondeley, etc., have got all sorts of secret transfers and releases, made since he commenced proceedings, and considers that it is the

business of the Lord Chancellor to open an inquisition of discovery on his behalf.

Well might Dame Mary's solicitor write on 11 December, 1701, "We are pressed on all sides very warmly, in the Ecclesiastical Court, Chancery, and Common Law!" He might well have added the domestic circle, for there was obviously a difference of opinion between Mrs. Tregonwell and the Cholmondeleys about the control of Dame Mary. I think her mother would have compromised with Fenwick, and possibly for a price. In September, 1701, after Thomas Cholmondeley had seen Dame Mary at Eaton, he found Mrs. Tregonwell advising her daughter to return to London, and Dame Mary determined to go, so he wrote to her mother, "I told her she could not bee safe upon the road nor at London in none of the 3 Houses you have told her you had the choice of; then she said 'the Princess of Denmarke had Lent her St. James.'"

In November Thomas Cholmondeley wrote to Mrs. Tregonwell about Dame Mary:—

"She tells me she intends speedilie for London, and that you have sent for her to come up to raise money . . . and to follow her great business. . . . You know well I have noething to doe with her or her estate, nor ever received a penny of her money in my life; onelie my respect to her is the sole cause I have taken so much trouble upon mee as I have hitherto done, and cannot be satisfied to see her so abused, as I think none of her sex ever was, and all by Lyes and Forgerie, having no evidence of credit to be admitted in any court that can speak to the marriage, as their own case shows. But I find my Lady hath talk'd of going for London upon Munday, which pray consider how you think

fit to dispose her when she comes there, for she cannot order her own affairs, but will I greatly fear ruin her own business . . . therefore I hope you will consider well how you intend to proceed, for my opinion is she cannot be overthrown but by herself, neither in her Honour, nor her marriage, and there is no way to preserve her but by keeping her in this house. I have told you my thoughts, and as to myself, if Mr. Fenwick gain her I shall gain nothing and if he do not I shall profit nothing, nor have no more to say but that I am your humble servant. . . .”

Within three months after writing thus, this gallant, faithful friend and defender of Mary Grosvenor died at Vale Royal. He and his brother Francis were convinced from the first that she had been cruelly imposed upon, and both acted vigorously, judiciously, and generously, to protect her and her children. Sir John Crewe, then leader of the Whig party in Cheshire, wrote a fine appreciation of Thomas Cholmondeley:—

“He was a proper handsome gentleman, of a strong constitution, of good natural parts, and of a solid judgment; he was a kind husband, an indulgent parent, a loving and affectionate master; a cryed-up landlord, a constant and generous housekeeper; he got esteem without seeking it . . . a very faithful trustee, and careful in those matters in which he was employed, more than any one of his time . . . and had he not lived in times of difficulties and divisions, he had been the most popular commoner at home and abroad in his time.”

The mantle of protection fell from his shoulders to those of his brother Francis, the friend of Addison and other literary men of the time. There is a fine portrait of Francis, by Sir Godfrey Kneller, still in the dining-room of Vale Royal, reproduced on Plate 26 by the

Plate XXVI



Sir Godfrey Kneller pinxit

Emery Walker sculp.

Francis Holmondeley

kind permission of Lord Delamere, and through the courteous assistance of Mr. R. Dempster.

There are at Eaton two drafts of petitions from Lady Grosvenor to Queen Anne; neither is dated, but their contents give us the period. Both have the same object, which is to get leave for her witnesses, French and English, to come over and give evidence. Each petition begins, "To the Queen's Most Excellent Majesty The Humble Peticon of Dame Mary Grosvenor widow," and both state briefly that the Fenwicks conspired to decoy her into a Paris hotel, drug her, with a "great quantity of opium and other intoxicating things, and during the operation thereof it is pretended (tho falsely) that your Petitioner was married" to Edward Fenwick. She sends an affidavit from George Middleton, of Symonds Inn in Chancery Lane, stating that these witnesses are material for her in the suit against her. In one petition she asks that William Delaval and Joseph Brierley, "now residing att Bruxells in fflanders," be allowed to come.

I do not, and could not for lack of space, follow every twist and turn of the legal labyrinth projected as they went along by the solicitors and counsel on both sides. I confine the reader's attention to the main lines of attack and defence.

PROCEEDINGS IN PARIS

WHEN rumours of the Fenwick marriage first came to Mr. Thomas Cholmondeley at Vale Royal, he, knowing nothing of France, consulted Mr. Oldfield, a friend and neighbour, who got news from Paris that "violence" had been used by the Fenwicks in this affair. Knowing the irresponsible condition of Lady Grosvenor, Mr. Cholmondeley "found himself obliged," as trustee for her children, "to examine whether it was a fair thing or not." The first move was to find a trustworthy agent to go to Paris and make enquiries on the spot. To this end Mr. Oldfield sent for a relative of his, a solicitor named George Middleton, of Symonds Inn, who says himself, that Oldfield "prevailed upon him to take the journey, telling him it might be dangerous, and that he must expect ill usage . . . so, if he would not take the risks he'd better stay at home." Middleton replied that nothing would hinder him from gallantly doing all he could to render justice to the lady, "and that he would sooner die than neglect anything that might be of service" to her.

In October, 1701, Middleton arrived in France, with an interpreter named James Johnson, and on November 5 wrote to Sir Bartholomew Shower,¹ "I went with 2

¹ Sir B. Shower was suddenly taken ill with severe pleurisy in the Temple Church, a few days after this, and died December 4. (Luttrell.)

gentlemen under pretence of taking lodgings in the Hotel Castile, where my Lady Grosvenor lodged at the time of the pretended marriage with Fenwick; and discoursing with the woman of the house about lodgings, and asking what English had lodged there, she began of her own accord and gave this following relation how her Ladyship had been abused by Mr. Fenwick." He then discloses what we shall presently get from Madame Dufief herself. After some search Middleton found ten witnesses in Paris and four at Lyons. His difficulty was to get them to give evidence which they thought might incur the ill will of a powerful religious order. To obviate this, he was advised by Paris advocates to address a petition to the Lieutenant Criminal of Paris against both the Fenwicks, which caused the Lieutenant to issue an order for all persons who could give information to come and be examined before a Commissary. On 13 January, 1702, these proceedings commenced, before John Baptist de Soucy, one of the King's Council, and Commissary in ye Chatelet of Paris, before whom appeared George Middleton with a "special Letter of Attorney of Dame Mary Grosvenor, passed before Henry Prescott Notary publick" in the county of Chester, "allowed by Hugh Witzall Master extraordinary of ye Chancery of England." The proceedings commenced by Middleton stating that the Fenwicks had conspired to get this lady out of England, and by force and fraud inveigled her into a pretended marriage with Edward Fenwick. Middleton laid stress on the monk and his sister "abusing their Ladie's Goodness and Indulgence" by craftily endeavouring

"to persuade ye said Lady to take for her Husband their Brother called Edward Fenwick a Reformed Officer, without any Estate or Quality, but they magnifyd to her his fine Qualifications, insisted upon ye Sweetness of his Temper, and Fineness of his Shape."

On January 16, the Lieutenant Criminal having received a petition from Dame Mary Grosvenor, giving a description of the conspiracy, made an order for information to be taken, and on February 25 the Commissary de Soucy summoned the witnesses "to give in their evidences." On February 28 the witnesses began to make their depositions. Each witness gave his name, address, and age, also made an oath to speak the truth, and declared himself to be no relation, kinsman, or servant to either of the parties concerned.

The first witness was Henry Parry, "an Officer belonging to the King of England at St. Germain-en-Laye," who deposed "that being Informed yt Edward Fenwick was Married to the Lady Grosvenor . . . and having the third of July last met with the said Fenwick, in the Garden of the English Nuns, called les fosses, S. Victor, he asked him whether he might congratulate him, and wish him Joy . . . but the said Fenwick made him to understand yt ye report was not true, and told him in English, 'twould be, says he, very ridiculous for me to Marry a Mad woman, one who is out of her witts."

After Parry came William Delaval, "an Officer of the King of England, dwelling in the street called Rue de Boucheries," who deposed:—

"That in the month of March last past, Lady Grosvenor being come to this city from London, he went to give her a

visit having been acquainted with her in her husband's lifetime, and found she had brought with her a Benedictine monk called Fenwick, and his sister called Turnour. That some time after being gone to give the said lady another visit, he found the said Fenwick had much ado to suffer the visiting of the said lady, who expressed to this deponent how sorry she was that she had undertook that journey, and prayed the said Fenwick to let her return home, to which on the contrary he always made great opposition, pressing her to continue her journey into Italy; and finding that the said lady had a particular regard for this deponent he prayed him to persuade her to it, and told him that otherwise her ruin was unavoidable, after all the trouble he had to get her out of England, and that it was to be feared upon her return thither she would marry to some Protestant. That from that time this deponent continuing to visit the said lady remembers that she desired the said Fenwick Benedictine to return to his monastery, and to send back his sister into England, but this deponent found by the said Fenwick that he slighted all that the lady said to him, and made nothing of it and even gave her ill language. That since their departure, the said Fenwick's brother being arrived here from England, came to lodge in the same eating-house where this deponent then lay, who asked whether the reports spread abroad, and which he had notice of from England was true, viz. that he was come hither on purpose to be married to the said lady. To which he was answered that he knew nothing of the matter, and that it was far from his thoughts, but that he was come to be governor of a young lord; that the ground of the surmise might be that he had a brother with the said lady, but that it was a mistake, he having no greater enemy than his brother, who being a self-interested man, would not suffer her to marry but such as should reward him well, being conscious that his said brother governed her as a child, and informed withal that he had passed his word to marry her to the Chevalier de Longvill, a man of very ill reputation, which made this deponent then believe the two brothers had no design upon her, and that he would not so much as see his brother when arrived from Italy.

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This deponent however, in his visit to the said lady upon her return hither from Italy, found there the two Fenwicks together who seemed to him in a perfect union."

Then came Joseph Bierley, an officer of the King of England, dwelling at St. Germain, who deposed:—

"That the said Lady Grosvenor, whom he had been acquainted with for the space of 15 or 16 years, being come at the beginning of last year from England into this city, he went to make her a visit and found she had brought with her one Fenwick by name a Benedictine monk and his sister. That being fallen into conversation, the said lady expressed unto him how sorry she was that she had brought over with her the said Fenwick, because he was very troublesome to her, and even in the presence of this deponent desired him the said Fenwick, (because he was so troublesome), to return into his monastery, adding that she had rather give him something by way of gratuity, which the said Fenwick said he was very willing to accept of, and that he could not stay any longer with her, giving her besides ill language, which made the said lady weep.

"That some days after this the deponent giving the said lady another visit, she told him that she could not proceed any further in her intended journey to Italy, that she had orders from England to return thither, and prayed him withal to go and hire a Calais coach for herself, which this deponent having promised to do, he being then with the Sieur Delaval, the foregoing witness, went out in order to it, but they were met in their way by the said Fenwick Benedictine, who entreated them not to do it, that he would make the said lady alter her mind, and that he had such an ascendant upon her that had not his brother been so wilful he could have made up the match with him and the said lady before her departure from England, and that he had a secret to effect it. That after the said lady's departure for Italy with the said Fenwick Benedictine, this deponent was advised from England that it was well known there that the said Fenwick Benedictine did intend to make a match between his brother

Edward Fenwick and the said lady, and was desired withal to enquire into it."

On March 6, 1702, Frederick Charaz Apothecary, dwelling in "ye Street called Rue des Boucheries," deposed :—

"That on ye 15th June 1701 he gave according to ye Prescription of ye Sieur Eyre Physician, an Ounce of Emetick for ye Wife of ye Sieur Fenwick an English Gentleman. That on ye 17th he sold for ye same Person, by ye said Physicians Prescription, 20 Grains of Laudanum, and on ye 19th an Ounce of Salt prunello, for ye same Person, by ye said Eyres Prescription. All which appeared by this Deponents Shop-book, brought forth for Satisfaction. That this Deponent never went to ye House wherein ye said Fenwick dwelt, nor carried any of ye said remedies thither when sent for, he ye said Deponent being at that time Day and Night with ye Prince of Baden, then very sick in ye Street called Rue de Taranne."

On March 9 Anne Bracey wife of John Benson "a Coffee-man, dwelling in ye New Court of ye Abbey of S. Germaine des Prez," deposed :—

"That she has been at least two years in France, and being acquainted with ye Lady Grosvenor . . . went to wait on ye said Lady, who had with her one called Fenwick an English Priest, being as it were her Steward, and having ye Management of all Things. That during ye said Lady's abode in this City this Deponent furnished her with Scarves, Hoods, and other Set-offs. That upon ye said Lady's return from Rome . . . having been to visit her, she was surprised to find her sick, and complaining very much of ye said Fenwick Priest, saying he was a wretched Man . . . and this Deponent declares further, yt she did really observe him ye said Fenwick to keep a strict hand over ye said Lady, whom he kept in her Chamber, and suffered none to speak to

her. . . . This Deponent says further that before the said Lady's departure for England, having been some times to wait on her, she found the said Lady always in Tears."

On March 23, two servants "to ye *Sieur Chevalier*, Farmer General, dwelling near ye Place of Victories," who had been domestics in the Hotel Castile gave evidence. James de Moulin, "Kitchen Officer," said :—

"Ye Lady was so Avidly beset by the monk, that he would not suffer anyone to see her, tho' several Persons of Note came to wait upon her; and if anyone by chance got unseen in ye Apartment of ye said Lady, immediately ye said Fenwick repaired thither, and caused them to withdraw, pretending she was distracted. If on ye other hand ye said Lady hapned to go abroad, Fenwick got into ye Coach with her, and would not leave her a moment, but kept her in a Kind of Captivity."

Thomas le Cleve, the other servant, spoke to the same effect, and both "saw Fenwick and his Cousin put certain small black grains . . . sometimes with poched Eggs, and at other times in Strawberries," and Cleve remembers that "ye Lady, after her tasting of them, slept till six a clock in ye Afternoon ye next Day without waking."

When the Lieutenant Criminal had perused these depositions he issued a writ for the apprehension of Edward Fenwick, and on April 6, he was arrested and imprisoned in the Little Chatelet. He had just come over from England to execute the Commission issued by the Court of Chancery, and had arranged for the Commissioners to meet at the Hermitage Tavern in the

Rue des Arbres, on April 9. And there they all went, John Parry, and John Constable, doctor in physic, on behalf of Dame Mary; and John Baber and Garrett Dillon for Fenwick. Middleton turned up too, with his witnesses. So also did the Lieutenant Criminal, who impounded their documents, explained to them that the Government of France did not permit strangers and pilgrims to open private legal inquisitions, and that Commissions from the English Courts should be issued to the Provost of Paris, or the Lieutenant Civil, or Criminal. Poor George Middleton was blamed for this after he got back to England, and the Lord Chancellor very meanly, but promptly, packed him off and imprisoned him in the Fleet.

In a letter to Francis Cholmondeley dated 22 April, 1702, Middleton says that Fenwick told the Lieutenant that his coming to France was "on account of two Commissions he had, one out of Chancery . . . and the other out of Doctors Commons to the Cardinal of Paris." He says that when the Lieutenant broke up the Chancery Commission he took all their papers, and after he was so civil as to show them a *lettre cassette* from the King of France for his so doing, so they were forced abruptly to break up.

"Yesterday Mr. Parry, Mr. Roger and I, at three in the morning, waited upon the Lieutenant to Versailles, who made his report to the Chancellor of the Executing the King's Letters, and gave him a full account of the whole affair, who reported it to the King, and he has declared he (Fenwick) shall be tried here, and commanded the Lieutenant to take care of him, and has sent off to the Cardinal of Paris to order the two French Monks that have the commission out of

Doctors Commons in their custody, to deliver it to him, and to punish them, or any other monks, for concerning themselves with temporal affairs, especially in so scandalous and criminal one; and hath forbid anything to be done with the Bishop, or anyone else, till he hath stood his trial."

We now come to the examination of Edward Fenwick by the Lieutenant Criminal, as set forth in a contemporary translation. On Saturday, 8 April, 1702 :—
 "Before M. Nicholas le Comte, one of His Majesty's Council, and Lieutenant Criminal of ye City, Provostship, and Viscounty of Paris, was brought out of ye Prison called ye little Chatelet, Edw. Fenwick an English Gentleman, formerly dwelling at Monsieur Bosquet's House in ye Street called Montorgueil, a Native of Northumberland in England, aged 38 years or thereabouts, and was examined upon oath." Then follow 16 pages of questions which add little to our knowledge of the case. The prisoner persists that the marriage was regular, that the lady was not drugged, and that he wanted to rejoin his wife, but was prevented by the designs of her relatives. He is asked :—

"Whether when ye Lady Grosvenor set out from this City to return into England, he ye Prisoner went with her.

Ans. No, but that he conducted her as far as S. Denis, where ye said Lady carressed him very much, and offered him her purse, but desired him however not to follow her to England.

Lieut. Why did not ye Prisoner return with ye said Lady, if he were her husband?

Ans. Because he had still some Concerns to mind at Paris.

Lieut. What Business or Reasons could detain him in this City of Paris, after his pretended Wife was gone from it?

Ans. That he had promised a Lady whom he was related to to take care of my Lord Radcliff, till she were come back from Flanders.

Lieut. Whether during his Stay in this City after ye said Lady Grosvenors Departure he had written to her as her Husband, or she to him as his Wife?

Ans. No, and that they had kept no Correspondence by Letters.

"How comes it to pass," asked the Lieutenant, "that during ye stay of him ye prisoner and ye Lady Grosvenor in this City, since he gave it out yt he was her Husband, he did not compel ye said Lady Grosvenor to live with him?"

Ans. That he was still in hopes, ye said Lady Grosvenor would not expose herself to contest ye Marriage, and yt he would in time prevail with her by fair Means, having to yt purpose sent some of his Friends to discourse her upon ye Subject."

Lieut. Whether he knew, that during ye Lady Grosvenor's Residence in this City, there were Englishmen that pretended to court her for a wife?

Ans. That he knew there were some Englishmen who pretended to Marry.

Lieut. Who were those that so pretended?

Ans. That One of 'em was ye *Sieur De la Val*, ye *Sieur Byerly* another, and that ye *Sieur De Longville* had also some Thoughts of Marrying ye said Lady Grosvenor, but that he was then in England."

One of the Lieutenant's questions reveals the very unfavourable impression made by the evidence upon the French legal authorities. Fenwick is asked straight, "Whether it is true or not that ye Ounce of Emetick bought by him June 15, 1701, for his pretended Wife was given to ye Lady Grosvenor for a plain Medicine, which she was persuaded to taste . . . and whether he . . . his Brother, and his Cousin expected from ye Operation of that Remedy ye Death of ye said Lady

Grosvenor, and to take Possession of her whole Estate after her Decease, by saying that he, ye Prisoner, had been married to her? ”

Ans.—“ That, according to ye Custom of their Country, when a Wife dies without Issue by her Husband, ye Husband is not one Penny ye better by her Estate.”

The French indictment against Edward Fenwick was unquestionably for a premeditated felony, subject to a death penalty, that is the coercion of a wealthy widow, and the performance of a marriage, when she was so stupefied by weakness and drugs, that she had no knowledge or recollection of the ceremony. French law may have been lenient towards some sexual misdemeanours, but it had no tenderness towards force or fraud. When Fenwick was in prison he petitioned for release, at least upon bail, that he might go to England and pursue legal processes in the civil courts, which was part of a well-thought-out programme, for he knew he could not be tried in England for a felony committed in France; and the answer he got was that he must purge himself of the criminal offence, before he attempted to claim his civil rights.

THE EVIDENCE AT LYONS

ON 2 March, 1702, the Lieutenant Criminal of Paris sent an order to James Clavet, Lieutenant Criminal of Lyons, at the instance of Dame Mary Grosvenor, to examine witnesses as to what happened in that city. Four witnesses deposed as to what occurred. It seems that Dame Mary was taken first to an inn called "l'ecu de France in ye Lanthorn Street," the landlady being a widow, Margaret Pevet, aged 62, who deposed that a few days before the feast of Corpus Christi, 1701, an English lady arrived with a gentlewoman, two footmen, and a man said to be her chaplain, though in a secular habit. "That ye said Lady was sick, disturbed in her Mind, and in a Delirium, so that a bathing tub was brought to bathe her by ye Prescription of Physicians that came to visit her. That she remained in this Deponent's House 4 or 5 Days, after which she was carried to . . . ye Savage in ye Place des Terreaux." At "ye sign of ye Savage" rooms were taken for her from Magdalen, wife of John Delie, who deposed that about Corpus Christi, 1701

"Ye Sieur Chauvin, Master Surgeon of this Citty, came with a Monk, one at least who called himself so, in a secular Habit, to take rooms for an English Lady coming from Rome, but faln sick by ye Way, so that ye said Monk declared she was distracted; and having agreed with this Deponent for ye Rooms, ye said Monk caused ye said English

Lady to be brought ye next Day in a Chair . . . and ye said Monk, who called himself a Benedictine . . . desired this Deponent to tell the said Lady yt her Name was Madame Lullin, and that her Husband was a Banker, because ye said Lady had letters of Recommendation and Credit for ye said Lullin. This Deponent says further, yt she observed during ye Time ye said Lady dwelt in her House, which was 7 or 8 Days, that she talkt weakly, which ye Physicians attributed to her late Distemper. That she had heard her often say, that she would not Marry again, and that she seemed very much displeased with ye said Monk, ye Sight of whom, and of her Gentlewoman she could not endure, but bad them go out, especially ye Chambermaid, when they offered to come into her Chamber. That ye said Benedictine Monk . . . did very often fall upon his Knees before ye said Lady that he might be heard by her; and even feigning himself to be sick that she might come to see him. And that ye said Lady, having Recruited herself and recovered Strength during ye 8 Days she staid at this Deponent's House, resolved to set out in opposition to all that ye said Monk and many others alledged, ye said Monk having caused an Emetick to be prepared in Chocolat for ye said Lady to take, that she might continue in this City, but she refused to take it, tho she usually took chocolate in ye Morning. This Deponent remembers also, that ye said Lady went away in a Post-Calash, in which ye said Benedictine was with her; her Gentlewoman with a Footman being in another Chair, and ye other Footman on horseback."

The next witness was the doctor, "John Chauvin, dwelling in ye Lanthorn Street, aged 50 years." He deposed that about the time of Corpus Christi, 1701, he was summoned to the inn called l'Ecu de France, and asked to see a lady by an English monk in secular habit. He inquired what her distemper was, to which the monk replied "that her Distemper proceeded only from Grief, and that the King of England had caused

two of her Sons to be taken from her after her Husband's Decease." Next day he "let her Bloud in ye Arm." The day following the monk "came down to the Deponent's Shop," and suggested consultation with another medical man, and Dr. Chauvin brought "Sieur de la Moniere, a Dr. of Physick, aggregated to ye Colledge of this City, and a very able Man," who "thought it convenient to have her bathed, and blouded in ye feet upon it, which was done." Dr. Chauvin then suggested her removal to "ye sign of ye Savage . . . and got ye Lady conveyed thither in a chair . . . That having visited ye said Lady almost every Day at ye said Delie's, he perceived that ye said Lady recovered both her Strength and Health; but observed in ye meanwhile that her Brains continued weak."

After the doctor came "Sieur John Baptist Guiramon, a Merchant of this City, dwelling in ye Street called Rue Mevedere, about 31 years of age," who boarded with Madame Delie for his meals at the sign of the Savage, and was asked by Father Fenwick

"To help him to shut all the Windows . . . and to nail 'em up, being told by him that ye Lady having had a Fit of sickness, which brought her to a Delirium, her Brains were yet but weak and unsettled. That some Days before, she had a mind to throw 200 Louis d'or out of ye Window where she lodged at ye Inn called l'Ecu de France, and that she had actually thrown down a Snuph-box of Gold. That ye said Englishman who was with her, having desired this Deponent to be assistant to him, and having made him in some measure his Confident, by declaring to him that the said Lady was faln sick only out of grief for that ye King of England had caused two of her Children to be stopt after her Husband's Decease, and that he was perplexed with her,

because she could not indure him nor her Chambermaid, adding that he hoped however it would not be long so. . . . That the said Lady beginning to Recover her health, tho her Brains were as yet but weak, yet she resolved in spite of ye said Monk to set out and go for Paris. That tho he ye said Monk did his utmost to prevent it, and to make her stay here some Days longer, he was forced at last to hire Horses to carry ye said Lady in two Post Calashes, this Deponent himself being imployed in providing them, ye said Lady having declared (notwithstanding she was told that none could be had) her firm Resolution to go, saying that she would not taste or eat any thing, unless She were provided with a proper Conveyance for her. And whereas she used to drink Chocolat every Morning, she would have none that Day, ye Man who was with her having prepared some for her, in wch he told this Deponent he had put a Drug that should hinder her Departure, if she would but taste it. But he not having been able to prevail, and all the shifts he made use of to hinder her Departure proving Ineffectual, he resolved to be gone with her about two a clock, she having neither eat nor drunk that Day, nor any of her Domesticks. That . . . another English Monk (what Order he was of this Deponent knows not) came Post into this City, and said that he was come to meet ye sd Lady Grosvenor; but hearing that she was gone, he resolved to follow her outright, in order to overtake her ye first Night, wch he did, ye Man who carried her having told this Deponent, that ye sd Monk had overtook her at Tarare. This Deponent further remembers that ye sd English Lady said very often, that there was a design to Marry her, but that she would have no Husband; wch she repeated very often, both in ye presence of ye sd Mrs Delie and of this Deponent."

After all this precision in procedure, and promise of successful prosecution, the whole thing collapsed like a house of cards. War broke out between England and France in May, 1702, and Middleton was stranded in Paris for three months without instructions or money.

Dame Mary's advisers in London were wrong, and were amply warned, and took no heed. Mr. Parry, one of the Chancery Commission, wrote to them from Paris:—

"I spoke my fears to you in my last that you should not by any means starve your cause after the fair beginning you saw by the depositions of the witnesses, for nothing but want of money on your side could give the opportunity to Mr Fenwick to get out of prison. He is now at large and Mr Middleton has not so much money as will pay bailiffs and catch-poles to apprehend and imprison him again; so that if he comes amongst you and can by any pretence get the possession of my Lady Grosvenor's estate you must attribute it to those that keep her purse and made so ill use of it as to shut it in a conjuncture when both her honour and fortune were at stake. This necessity causes also that you cannot have the Decision of the highest Tribunal in this country. If you resolve to have their determination you must supply these defects by returns sufficient to defray the expense. . . ."

What Middleton afterwards wrote about the legal failure was, that during the three months he had no answer from England, the other side "had time to solicit and bribe" those in authority, through the influence "of people of the greatest credit at St. Germain's." "An English monk," he said, "made his brag it cost Fenwick 2,000 pistolls the day he got out of prison." The French people at that moment probably were better pleased to get his money than his life, and they were doubtless thinking more of the Grand Alliance against them in Europe, than the *mésalliance* at the Hotel Castile.

The explanation of all this delay in sending money to Middleton is partly to be accounted for by the illness

and death of Thomas Cholmondeley, and partly to the procrastination of Mr. Andrews the agent of the Grosvenors in London. In a letter to Mrs. Tregonwell from Francis Cholmondeley, dated April 10, 1702, it is admitted that Middleton "has been very ill dealt with, in not having money duly paid in answering his bills which my dear brother often ordered Mr. Andrews to do." It was a great misfortune to Lady Grosvenor's cause that Thomas Cholmondeley's death should have come at such a critical moment. His brother Francis had to pick up the intricate details of the case at very short notice, when he himself was obviously overwhelmed with grief. He ends his letter to Mrs. Tregonwell, "The mournfull and afflictive occasion which has (with so much grief) brought me to succeed the dearest of brothers and ye best of friends shall ever make me faithfull and diligent in discharging the trust I am in, God willing." ¹

¹ The documents illustrating what took place in Paris, are original reports by Middleton, contemporary translations of petitions, and examinations, and French originals of the same, recently copied from the *Recueil Thoisy, droit public et civil*, Tome cxxiv. [Bibliothèque Nationale. Thoisy 189. Fol. 23 à Fol. 32.]

AN ACCOMMODATION

AFTER months of litigation, and dogged resistance on the part of the Cholmondeleys, it occurred to Fenwick, and the Radclyffes who were finding cash, that it might be well to throw a fly over Dame Mary and her friends, garnished with feathers of compromise, but attached to a serviceable hook. To this end Fenwick drew up a statement of his "Case," and sent it through Francis Radclyffe to Thomas Cholmondeley, 12 October, 1701. Radclyffe wrote :—

"My being altogether unknown to you, Sir, cannot make me doubt of your pardon for this trouble, since it is occasioned purely by a desire, (I think I might say an obligation), to do justice to the Gentleman on whose behalf I write."

The rest is an expression of his faith in the "fairness of the marriage," and incidentally touches on the attitude of the ecclesiastical authorities.

"I can assure you I myself was by when the Archbishop of Paris, after being informed of the marriage, and after having seen the Pope's faculties to Mr Fenwick; the P: (Prelate?) did upon his being afterwards presented to him, give him his benediction with a countenance that had no marks of displeasure in it . . . the great reason why he refused the certificate we desired was, his being unwilling to give so nice and new a judgment in a matter wherein the Pope's authority and the laws of France seemed to interfere. Moreover he did declare that in his private opinion the marriage was very good, and for that reason would not be

prevailed with to grant a licence to marry again, which was moved for, to be ready in case the Lady's ill humour had passed. I am sensible, Sir," he concludes, "that I need add nothing to convince you that it is not Mr Fenwick being my relation that occasions my appearing thus on his behalf. His having been placed as Governor to my Lord Radclyffe, is a sufficient proof of the real good opinion our whole family has of him. I wish, Sir, I could gain him the advantage of it, that he may no longer lie under the misfortune of being thought ill of by a gentleman whose distinguished sense of honour gives him justly a great influence over others, and this is an effect which I flatter myself this letter might have were my character, Sir, as well known to you as yours is to your most obedient humble servant, ffr Radclyffe. I am at my brother Darwentwater's where the answer you favour me with will find me, directed, To be left at the Earl of Darwentwater's, In Arlington Street, near St. James's."

Fenwick's "Case," sent with this letter, adds nothing to the story already told, but ends with the suggestion that Dame Mary's relations should "give his friends a meeting that the whole matter may be impartially looked into and considered," followed by a veiled threat, "that the world must acquit him of whatever ill consequences to the Lady's disadvantage the not accepting of it may occasion."

The next move was a letter from Francis Radclyffe to Dame Mary herself, commencing:—

"London, March 7, 170½. The same motive, Madam, that made me trouble you with my visits at Paris occasions my writing this, and I am sure it is a most real desire of serving your Ladyship as well as Mr. Fenwick, who, tho' my relation, should be far from having me his friend and solicitor in this matter, if I were not most perfectly satisfied that justice is on his side, and that your Ladyship is *in the wrong*."

He tells her it seems to him "next to an impossibility" that she can have "any success" in her defence. He continues,

"I will own to you that I believe the gentleman you have to deal with is of so good a temper, that it will never be too late to make matters up betwixt you, if your Ladyship is willing; so that really, Madam, the only thing that moves me to endeavour thus by letter what my discourse at Paris could not effect, *is the mighty scandal this matter must occasion* if it go on to the public trial that is now appointed for the next Term. I am very confident there is nobody concerned in the proof against your Ladyship, that will not give their testimony with much regret. But, in a case like this, your Ladyship must not hope that any of the witnesses can refuse to depose what they know."

After this came a letter from Francis Radclyffe addressed "For Francis Cholmley Esq^{re}. To be left at M^r. Parkers At Middlewick near Brereton Green in Cheshire," dated "London Sepr. 26th, 1702." It begins:—

"My Cosin ffenwick, Sir, after a long stop in Flanders, as well by sickness as in expectation of a pass, is at length arrived here. . . . He has amongst other things show'd me in print the paper which contains the late charge against him, with all the pleading to support it, I must own to you, Sr, that knowing what I myself do of the matter, I could not read it without horror to find so violent a thirst after his blood as appears towards the conclusion of it; and I must do him justice in admiring his temper, that after such a prosecution, and the advantage his cause has gained by the defeat of it, he should still express the same *readiness he has always done to comply with any terms of accomodation that may be consistent with his honour and conscience.* This, Sr, *is what all his friends approve of.* But if the suit be defended *against him to the last*, they will I know be of

another mind, and will think that *after so much barbarous usage*, and after bearing the extremity of charge and trouble, neither reason nor honour can forbid him to *enjoy the utmost advantages* the law will give him. I shall only add, Sr, that though *a friendly end* of this matter depends *altogether upon my Lady*, her relations might doubtless contribute much to it. If, in place of encouraging her as they have done hitherto, by *giving her so much reason* to think they believe all she says, they would *represent to her the strength of the proof against her* . . . this, Sr, . . . might probably enough produce new resolutions in her. If not, she will at least have nobody but herself to blame for the ill consequences of her obstinacy."

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The following memoranda occur on a paper endorsed outside by Thomas Cholmondeley, "A copie of Br-h-l proposals without order and agt wh he was sent abt. the original sent to Mr. Dockwra Nov. 28, 1702":—

Terms of accomodation betwixt Mr Ed: Fenwick & my Lady Grosvenor without prejudice to ye cause of either party.

- 1st. That (she being convinc'd of non mariage, tho' he be convinc'd of ye contrary) for ye satisfaction of both, ye ceremony of Mariage be performed before four or five unquestionable witnesses if my Lady Grosvenor and her friends be willing.
- 2nd. That my Ladie's whole estate be settled upon Sr Richard her son, with a reasonable conditional charge for Mr ffenwick's children by her if he have any such provided my Lady be Willing.
- 3rd. That a part of ye estate in my Ladie's possession be set out for paymt of debts if she be willing.
- 4th. That a reasonable maintenance be agreed on for each party in case of seperation if she be willing.

Mr. Walter writing to Mr. Parker, 1 April, 1703, says:—

"I have lately been moved again about our accomodation, and it was by the Earl of Carlisle, who is now in the north, and sent me a letter from thence about that and other matters. I will give you the very words of his Lordships letter :— ' You being concerned for my Lady Grosvenor in the suit depending between her and Mr Fenwick, if that matter could be compromised I think it would not be amiss for them both, and I being concerned for him should take it kindly from you, if you would use your endeavour towards it. Pray impart this to Mr Cholmondeley, and let me know how I must demean myself therein.' "

Charles, third Earl of Carlisle, was a person of consequence, and had been a Minister of State, so I imagine the real reason for his interference arose from his father's sister having married Sir John Fenwick, beheaded for high treason in 1697. The Fenwick family would be sure to enlist the influence of so powerful a connexion, but Francis Cholmondeley would have none of it, he wrote later on to young Sir Richard Grosvenor : " Because all things of this nature are precarious, I desire to know and have your opinion what to do should an accomodation be offered . . . (as I am informed there will). How will you please to comply with it, (for nothing of this nature shall ever be tendered or offered by me to them), that so I may be the better enabled to proceed in a cause of such moment and weight? I desire you'll not delay your answer."

THE QUEEN'S BENCH BAR

WHILE these exciting proceedings were going on in France, and Fenwick was seeking a compensating compromise, Dame Mary herself was safely ensconced at Eaton, and her legal advisers in London were doing their best to keep her there. Her counsel, Mr. Conyers, made this plain to her in a letter dated 26 March, 1702 :—

“Madam. There is no possibility of bringing on your business to a trial before next term, and 'tis now fixed for that time, and for your advantage it should be so, your witnesses being not yet come over. It was not in our power to get them here, being in time of war, without the Queen's licence, and there was very great opposition given in Council to the obtaining of it, and you are very particularly obliged to the Master of the Rolls for his assistance in it at Council, without which I am satisfied it had not been effected.

“As to your Ladyship's coming to London I am very clearly of opinion 'tis not advisable for to come till the trial is past. You have already too many causes upon account of this unfortunate business. You have now one suit going on in the Queen's Bench Court, another in the Ecclesiastical Court, and three in Chancery; and should your Ladyship come to town, 'tis probable you would not be long without another prosecution upon my Lord Chief Justice's warrant. Mr. Fenwick and his agents would venture to take out a warrant against anyone that should entertain you, to charge them criminally as detaining his wife from him; and possibly, if he could meet with an opportunity, would use violence to seize on your person. I have reason to believe this, when in

his suits against your friends, he charges them with detaining you from him, against your own inclination, and in the business at Council I find he has a great many who abet this cause, more than I could have imagined. So that I think 'tis very happy for you that you are at so great a distance, and in a jurisdiction where he has not power to surprise you without due notice, and where you have too great an interest for him to offer you any personal injury.

"I do very freely tell your Ladyship my opinion, and perhaps speak more freely in this business than another would, out of the concern I have for your misfortune, and the great respect I have to your Ladyship. And the more I know of your cause, the more I am satisfied of the villany of it, and of the unparalleled abuses put upon you, and I would gladly have them laid open that the persons concerned may be exposed as they ought. You will pardon me for this freedom, which proceeds from the real desire I have to serve you. I am, Madam, your Ladyships most obedient humble servant, Jo : Conyers."

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The order of the Court of Chancery, 29 January, 1702, "that a trial at law be had at the bar of the King's Bench next Easter term, to try if Edward Fenwick was married to Lady Grosvenor," was not obeyed till February, 1703, and the delay was owing to the difficulty of getting witnesses from France during war time. These difficulties were described by William Docwra in a letter to Mrs. Tregonwell. He said that Fenwick's agents were trying to "debauch" the French witnesses, and "buy them off at Rotterdam." Indeed the witnesses themselves threatened to go back to Paris unless their extravagant demands were complied with.

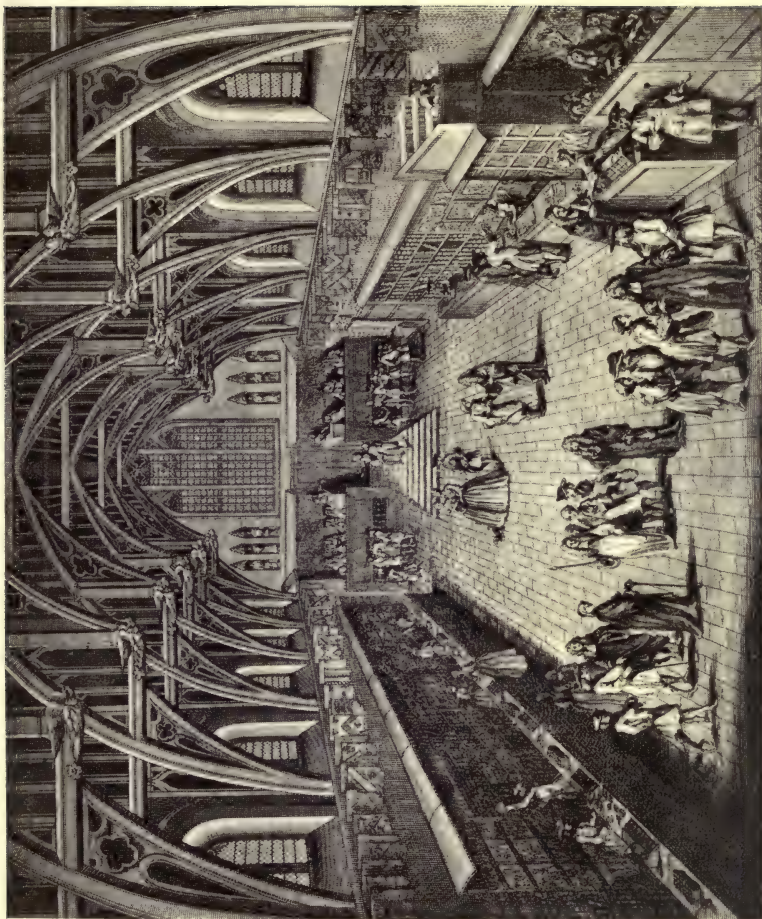
In spite of these obstacles the case went on, and there is a contemporary manuscript verbatim copy of

the proceedings, giving the facts already told, but abounding in repetitions, and harkings backward and forward, so that a system of selection has been adopted, to keep clear the issues between the parties, preserve passages of human interest, and not lose track of the story.

On 3 February, 1703, down they all went once more to Westminster Hall, to the Court of the Queen's Bench, that lay alongside the Lord Chancellor's Court, where they had been three times already. Plate 27 gives a view of the hall about this time. "The Chancellor," says Inderwick, "from a remote period, at least as early as Edward II, sat in Westminster Hall. His place was at the upper end, where a flight of some six steps led to a marble table, opposite the centre of which was a marble chair, affixed to the wall, which marble chair, says Dugdale, writing in 1666, to this day remaineth over against the middle of the marble table." An old engraving in the Library of the Society of Antiquaries shows the King's Bench Court on the east side, and Chancery on the west side of the south end of the hall.

The hall must have been a very difficult place to conduct legal procedure in, the sides being lined with the stalls of motley jabbering traders. A writer in 1700 says that a visitor

"was surprised to see in the same place, men on the one side with baubles and toys, and on the other taken up with the fear of judgment, on which depends their inevitable destiny. In this shop are to be sold ribbons and gloves, towers and commodes by word of mouth: in another shop lands and tenements are disposed of by decree. On your left hand you hear a nimble-tongued painted sempstress, with her



WESTMINSTER HALL IN THE 18TH CENTURY

charming treble, invite you to buy some of her knick knacks, and on your right a deep mouthed cryer, commanding impossibilities, viz., silence to be kept among women and lawyers." (*Tom Brown's Amusements.*)

Foss comments on the difficulties that must have been experienced by the judges and litigants amidst all the racket and talk in the Hall, the causes being heard within partitions only about 8 or 9 feet high.

There was probably a considerable gathering of people present at this trial. To begin with there were between 40 and 50 witnesses. No doubt the tenants on Dame Mary's Ebury estate, who had a practical interest in the verdict, would come in force. Besides these, the Catholic and Jacobite sympathisers with Fenwick would be bound to turn up. Surely, too, one of the Cholmondeley family from Vale Royal was there, and their solicitor Mr. Parker, from Macclesfield. And the curious part of it is, that had this company looked as they came into Court at the Cause List for that day, they would have read these mysterious words:—

"Richard Burnaby, Plaintiff, against John Orton, Edward Phipps, Anne Axtell and Thomas Franklyn, Defendants. In ejectment."

The reader may wonder who these people were, and what their ejectment dispute had to do with the Fenwick and Grosvenor marriage. It happened thus. Fenwick came from France to claim Lady Grosvenor's London property, and forthwith did demise grant and to farm let to Richard Burnaby the Plaintiff, 50 Messuages, 50 Gardens, 50 Orchards, 50 Stables, 20 Barnes, 300 Acres

of Land, 300 Acres of Meadow, 300 Acres of Pasture, and 200 Acres of Fresh Marsh, with the appurtenances, situate, lying, and being in the parishes of St. Martin's in the Fields, St. Margaret's Westminster, and Chelsea. These lands Fenwick leased to Burnaby for 7 years, by virtue of which demise Burnaby entered into ye premises, and was possessed thereof until the Defendants on the 18th of June, by force and arms, entered upon his possession, and turned him out, to his damage of £10. Hence, the legality of the ejectment turned on the validity of the marriage. It was all part of the legal strategy. Fenwick's lawyers advised him to put Burnaby in, and the opposing solicitors advised the Grosvenor tenants to push him out. I believe this is termed in legal circles, bringing things to an issue. Beside which, if Fenwick won the Queen's Bench suit, it would improve his chance of raising money for the expensive and extended proceedings in the Court of Delegates. Anyway, and nowadays it does seem incredible, this unfortunate lady's matrimonial cause was tried by a Civil Court in an ejectment suit, when it was already under adjudication in its own proper Spiritual Court. One wonders that people so long endured such a system, but legal reforms are not made in a day. By the Judicature Act of 1873, all the Courts are departments of one Supreme Court of Judicature, whereas, in the 17th century each Court was a separate pen and drew into it any sheep that came along with sufficient wool to be sheared, regardless as to whether other Courts were securing a similar clipping elsewhere.

I judge from Luttrell that the trial lasted right through, from, say 10 o'clock on the 3rd, till 4 the next morning. The presiding judge was Lord Chief Justice Holt, one of the most honourable and illustrious men that ever adorned the English Bench. The other judges were Sir John Hollis, Judge Powel, and Judge Powys. The Grosvenor family were well known to the Lord Chief Justice, who had been counsel for Sir Thomas and Mr. Starkey in 1684. The following jury of Middlesex freeholders were duly sworn: Sir Richard Reynell, Bart., of Layleham; Henry Hawley, Esq., and Christopher Cletherow, Esq., both of Brentford; John Jennings, Esq., of Hayes; Thomas Ellis, Esq. and Richard Dyott, Esq., of St. Giles; Joseph Short, Esq., and William Draper, Esq., both of St. Clement Danes; William Northey, Esq., of Hackney; Leonard Hammond, Esq., of Teddington; John Tempest, Esq., of Tottenham; and John Nicholl, Esq., of Hendon. The Clerk of the Arraignment cried out, "Gentlemen of the Jury, hearken to ye record," and this being read, the Defendants pleaded "Not guilty," and the trial began.

It commenced in the usual way with opening speeches by the plaintiff's counsel, Sir Thomas Powys, Simon Harcourt the Solicitor-General, Mr. Sloane, and Mr. Mount. These were followed by the evidence of seven witnesses. The points to be established were, the respectability of Mr. Edward Fenwick, the fact that Dame Mary encouraged his addresses, his pursuit of her to Paris, their marriage in an hotel, immediately followed by her repudiation of both ceremony and husband.

Mr. Fenwick undoubtedly came of an ancient and distinguished Catholic family from Bywell in Northumberland. He was educated at Douai, and afterwards served as "Cornet of horse" in the Duke of Hamilton's regiment, which he left in 1688. He had a small annuity, his sister said of something under £50 from the family estate. The Duke of Hamilton gave evidence:—"I have known him this 16 years, he served under my command when I commanded a regiment of horse in the late King James's service." (*Sol.-Gen.*) "What does your Grace know of his carriage in the world, and of his reputation?" (*D. of H.*) "I saw him divers times, and was very conversant with him while under my command. I always observed he behaved himself extremely well, and on all occasions thought him to be a man of honour, and did esteem him one that was not capable of doing anything unbecoming a gentleman." The Hon. Francis Radclyffe deposed:—"I think there is no man can have a clearer character than Mr. Fenwick." The Hon. Thomas Radclyffe testifies to his being:—"As good a gentleman as any in Northumberland. There was Sir William Fenwick, that was my grandfather: and Mr. Edward Fenwick's father, though a younger son, yet had an estate of £1,400 a year."

One of Fenwick's counsel, Mr. Sloane, in an opening speech said:—

"They say Mr. Fenwick was a disbanded officer, a beggar, and not a gentleman; this was the objection. A disbanded officer he is, and is not ashamed of it, but a beggar he is not, but hath had as good an education as any gentleman

in England. He is the younger brother of Sir Robert Fenwick, who is possessed of an estate of £1,400 a year, of which he is the next heir. Now, my Lord, was this reasonable to say that he was a beggar and no gentleman? Were it not for her estate he was more than an equal match for her. What though she be a Lady, she was the daughter of Mr. Davies, that was servant to Mr. Awdeley, that was but an inferior man. We hope, notwithstanding this, that the estate was well got, because we hope to have it. She wanted blood, and we have blood, but we wanted an estate, and she hath an estate, and these two together make an extraordinary good mixture."

The point as to Alexander Davies's dependent position is much emphasized. Mr. York is called:—

Solicitor-General.—Mr. York, do you know a place called Owden¹ Manor? Who is owner of that Manor or Farm?

York.—Sir Thomas Grosvenor.

Sol.-Gen.—How came he by it?

York.—It came by one Mr. Davies.

Sol.-Gen.—Who was he?

York.—He was a servant to one Mr. Awdeley . . . Mr. Davies had but one daughter . . . and she was married to Sir Thomas Grosvenor, and he had this land upon that marriage.

Sloane.—What station did Mr. Davies live in when at Mr. Awdeley's?

York.—As a man to wait upon him and do his business.

Sloane.—The father of my Lady Grosvenor was Mr. Awdeley's servant.

Lord Chief Justice.—Was Mr. Davies Mr. Awdeley's clerk?

York.—He was his clerk and did his business.

By rubbing in the word "servant" I fancy Mr. Sloane wished to assure the jury that in this case they ran no

¹ Owden should, of course, be Ebury.

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risk of upsetting the position of a lady of lofty lineage, but might, on the contrary, provide a second aristocratic husband for a middle-class heiress.

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The next step was to prove that Dame Mary had taken, what the Lord Chief Justice called "a mighty great liking and disposition" towards Mr. Fenwick; so they called Mr. Turnour, his brother-in-law, at whose house in Essex Dame Mary and Mr. Fenwick had met.

"I remember," said he, "one thing very particular. In the morning before my Lady Fenwick went away, her woman brought her her veil to put on, for she was then in her widow's weeds. Says she, 'Take it away for I cannot endure it.' She then said to me, Mr. Turnour, 'What do you think on't?' I told her if her Ladyship liked it, I had nothing to say against it, but if she disliked it she should not wear it. She turned herself to Mr. Fenwick, and speaking of marriage, to him she said, 'I will tell you what husband I should like best. He must be a Roman Catholic, a well bred man of a middle age: if he were a well bred man she said she did not care whether he had a farthing in the world or no.' Mr. Fenwick replied, that the man must needs be happy that had her. She said likewise that she had once married to please her relations, but now she would please herself; and I told my brother Fenwick that he would do well to improve this opportunity with her. My Lord, I heard my Lady say all this, upon my oath."

Then came Mrs. Foster, and the Hon. Thomas Radclyffe, both cousins of Mr. Fenwick's, who were present when the party set out from Millbank. They recall how jealous Dame Mary was on that occasion of Mr. Fenwick's attention to Mrs. Seymour, her half-sister. Then Mrs. Selby testifies that Dame Mary

showed great pleasure at Genoa and Rome on receiving letters from Mr. Fenwick.

After this the Hon. Francis Radclyffe gives evidence respecting Mr. Fenwick going to Paris in pursuit of Dame Mary :—

“I went to France, my Lord, to put my nephew under the care of Mr. Fenwick. I went by way of Flanders, having some friends to see there. I set forward for Paris to settle my nephew, and got there about the latter end of June. I had not been above half-an-hour in the lodgings I had taken, but Mr. Fenwick desired me to retire with him, I did so, and he gave me an account of this lady's dealings with him, that he had been married a few days before, and what a trick was like to be put upon him. He asked me my advice, what I thought was best for him to do. I told him it would be best to forbear exposing the lady, but apply himself by addresses to her, and let her go to England and follow after her.”

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The next point to be proved was the marriage. The witnesses were Mrs. Selby, waiting-maid, and Thomas Miller, footman. Dame Mary's counsel asked that they should be examined apart.

L. C. J.—They cannot oppose it, let them stand by till called.

Sir T. Powys.—We are very desirous it should be so, my Lord. As for Mr. Fenwick the Priest, they may be at ease about him, if we should not call him, when we have told your Lordships that he is in Priest's orders. He dare not come, he is not here, he cannot come by the laws of the kingdom, and it is a great part of our misfortune that we cannot have his evidence, and another part that we cannot have his depositions.

Judge Powel.—You cannot make use of his depositions.

Mrs. Selby is called.

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Sir T. Powys.—On Saturday morning when you were sent for into the room, give an account of what passed there.

Selby.—I saw the Priest solemnize the marriage. We were called in for witnesses, and they were asked whether there were sufficient witnesses, and they both answered yes.

Sir T. Powys.—My Lady and Mr. Fenwick; did you see them married?

Selby.—Yes, I did, and heard the priest bid them join hands, and ask them if they took one another for husband and wife; and I heard Mr. Fenwick say, I Edward Fenwick take thee Mary Grosvenor to be my wedded wife, and she said, I Mary Grosvenor take you Edward Fenwick to be my wedded husband.

Selby's evidence was confirmed by Thomas Miller, and to this was added the testimony of Dr. Eyre, who called next day to offer congratulations to the bride and bridegroom. He found them at the Hotel Castile, and on being asked if they owned the marriage, he said, "Yes, they seemed to own it." "What did they say?" "I do not remember what they said, but I am positive they owned it."

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After this came the question of Dame Mary's mental condition, and it is important to notice that all Fenwick's witnesses testify to her being always in a normal state, except at Lyons, where, Dr. Eyre was told, "her distemper did lie a little in her head." Mr. Francis Radclyffe is asked, "I would ask you this much in general, whether she was disturbed in her mind and void of understanding at any time when you came to her?" and replies, "I am so far from thinking so, that on all the occasions I have had with her, she behaved herself with all the discretion in the world." Mr.

Turnour testifies the same with regard to her state before Sir Thomas died.

Sloane.—Did she used to sit at table and carve?

Turnour.—Yes, and I never saw any husband and wife live more happily together in my life. . . . In the year 1698 I visited Sir Thomas and Lady in London at Petty France, and dined there a matter of 10 times. There was hardly a day but Sir Thomas and I met at the Court of Requests, and walked in the Park a great while together. In 1699 they lodged at the Pall Mall, and there I saw Mr. Docwra, and received abundant favours from Sir Thomas and my Lady.

Sol.-Gen.—In all the times you were there did my Lady behave herself like a distracted woman or sober?

Turnour.—Always sober, and there were always a great many visitors there to wait upon her.

Mrs. Selby is pressed on this point.

Sol.-Gen.—I ask you upon your oath, was her illness anything like madness or distraction?

Selby.—Not in the least.

The last item of Fenwick's claim, that Dame Mary had denied the marriage and deserted her pretended husband was admitted by both sides.

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Now all this plausible story, sworn to by apparently respectable witnesses, leads up to several inexplicable mysteries. The course of true love never did run smooth, but here is shipwreck at the start. The gentleman produces witnesses to prove the marriage contract, and the lady denies that she ever became his wife. After all she was absolutely free to marry anyone she

pleased, but to take a husband one day and turn him out the next, leaves something to be explained. Again, why should Catholics, in a Catholic country, subject to the decrees of the Council of Trent, perform this ceremony without parish priest, licence, banns, or ring, in the bedroom of an hotel? And why should the widow of an English baronet, whose presence in Paris was known to our English Ambassador, who lived close by, take this important step, affecting her family and fortune, without any friend, solicitor, or representative of the Embassy present? Moreover, if the Fenwicks really believed she was a responsible agent, why was their conduct at variance with this conviction? Why was the doctor sent for by the banker, and not allowed to speak to the patient? And why was medicine administered by stealth? Why did the patient consult the doctor, and take medicine at Lyons, and a few days after object to physic and physician in Paris? Why did she search her food, and refuse it? Something must have aroused her suspicion.

Moreover, any story that involves a number of inexplicable, improbable, and irreconcilable things, produces misgivings as to its truth, especially if there be a strong motive for concocting a false tale. So the counsel for Dame Mary practically said to the counsel for Mr. Fenwick, You cannot explain these mysteries, but we can. Your clients are a gang of rogues, who knew before they decoyed this poor lady into a foreign country, where she could speak only a few words of the language, that she was subject to intermittent derangement; and so, having got rid of all her English ser-

vants, wearied her with travel, weakened her with an emetic, bled her twice and possibly thrice in a few days, and dosed her with opium, they give out to the world that she was married to Mr. Fenwick, of which ceremony she has no knowledge whatever.

"I hope," says Mr. Conyers in his opening speech for the defence, "to satisfy your Lordship that this hath been an ill contrivance of these persons, and that they all knew what frame of mind this lady was in when they brought about this design. These persons concerned are all relations together. Their witness Mr. Turnour married the sister of Mr. Fenwick, and the Priest Mr. Fenwick, Mr. Edward Fenwick, Mrs. Turnour, and Mrs. Selby, and the footman Tom Miller, were of Ludovick Fenwick's providing. They are all relations." He might have gone further. The Radclyffes were relations and so was Mrs. Foster. They were all Northumbrians. Delaval was another, though a rival of Fenwick's. He came from Seaton Delaval stock through Sir John Delaval who married a Selby. The Delavals quartered the Fenwick arms. They were a gang of needy Jacobite border-raiders, who brought their sisters and their cousins and their aunts to hunt the wealthy widow in the Cheshire vale. "Endeavours of this kind," said Mr. Cooper, in his opening address, "will be pursued, so long as man is man, it will be so to the end of the world. A great estate, indeed, doth fall in with the rest, and is a special ingredient to make up weight, for where the premium is very great there will be great endeavours to obtain it."

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Dame Mary's case was opened by Mr. Hooper, who was followed by Mr. Conyers, Mr. Cooper, and Mr. Hollice. The points to be established were (1) That she had been intermittently disturbed in her mind since 1697. (2) That Father Lodowick Fenwick acquired a complete mastery over her, and controlled her by force. (3) That he sent home the English servants she took with her to France, and that the only persons about her were relatives or dependents of the Fenwicks. (4) That she was ill and deranged at Lyons and Paris, and was weakened by emetics and bleeding, and stupefied by drugs. (5) That she had no knowledge of any marriage ceremony with Edward Fenwick, and that she returned to London without him. (6) That even if any ceremony had been gone through, such a marriage in the eyes of civil and ecclesiastical law was null and void.

One of the first witnesses respecting Dame Mary's mental condition, was a servant named Robert Davis, who had been at Eaton between 1694 and 1698. He testified to the trouble beginning in 1697. He said :—

“ I came very early to Sir Thomas to dress him, I met my Lady in the withdrawing-room, the next room to it. I wondered to meet my Lady there, it being very early. She looked upon me and said, ‘ I must take you up too,’ for just before she had locked up a man in the closet. Says Sir Thomas to her, ‘ What hath he done that he must be locked up; pray, my dear, let him alone, for I am in haste to be gone out?’ Afterwards, happening to be in the hall, my Lady came, and goes into the garden down to a canal : I followed her very close, thinking her to be in a disorder . . . she went from thence into the stable . . . and said to the groom there, ‘ I must have a horse to ride out upon,’

we told her there was never a one that she could have. 'Then,' says she, 'I must go a foot.' She went out towards the Ferry, and I held the gate through which she must go, she came with a considerable force, and forced me away and the gate open, and goes to the Ferry. And with this I met the brewer that was coming up from thence, and bid him go and make haste and acquaint Sir Thomas with it. He did so, and went likewise to the Hall, and acquainted the servants with it, but before Sir Thomas came my Lady went into the Ferry, but by herself, and took hold of the cable of the ferry-boat, and pulled the contrary way. And one came down and said the boat was grounded, 'then,' says she, 'I must go about,' but whither she was going I could not tell. Then she came up the hill, and goes towards Chester. I followed her very ways, there was nobody but myself with her. After she was gone a pretty way, Sir Thomas comes himself, and walked along with her before he offered to stop her. And though he talked to her all that while she gave him no answer, but fell down upon the stones and cried. And Sir Thomas, and all that were with him wept."

Dr. Nicholls deposed that he was called by Sir Thomas in 1698, when Dame Mary was "under distraction." Indeed he had seen her a little while before he came up to this trial, and found her still suffering from delusions.

Mr. Brerewood, relation, neighbour, and intimate friend testified to the like. Since she came from France he had "seen her come to dinner with flowers in her hair, and feathers on her sleeves to fly with."

L. C. J.—How long hath she been reconciled to the Church of Rome?

Brerewood.—I cannot tell justly, but I think about the latter end of King Charles' reign, or the beginning of King James'.

This evidence was confirmed by Mr. Piggot,¹ agent to the Eaton estate, and the Rev. Dr. Charles Maddison, Protestant tutor to the boys. Lady Cotton was called. She was a near relation of Sir Thomas, and lived near Eaton in 1685. She had seen a good deal of Dame Mary in London, and at "the Bath," but very little of the serious side of her illness.

Mr. Cooper.—Have you seen her since she came from France?

Cotton.—Yes.

Cooper.—How was she in her understanding?

Cotton.—She gave me a very good account of those places where she had travelled, till I was just going away, then she rambled a little in her discourse.

Ward.—Did she speak of any great princes?

Cotton.—She said that the Dauphin was in love with her.

L. C. J.—Did she tell you so?

Cotton.—Yes, my Lord.

Ward.—Did she say anything of the Prince of Wales?

Cotton.—Yes, that the Prince of Wales had given her a hare that he had hunted, and she had made a muff of it, and presented it to my Lady Peterborough.

L. C. J.—Were you in the country at Sir Thomas' death?

Cotton.—Yes, my Lord, and she received me very kindly.

Sloane.—What did she give you for a treat?

Cotton.—A salver of peaches and other fruit, for it was summer time: and then she brought me to the ferry-boat in the coach, and so we parted.

Mr. William Docwra, who had known Dame Mary from infancy, testified to her recent intermittent derangement, and Madame Dufief, landlady of the Hotel Castile, said "she was from top to ye bottom of the

¹ See Howard's *Miscellanea Genealogica*, vol. 3, N.S., page 169.

house, cleansing down cobwebs, and setting a whole row of candles upon the gallery."

In spite of the heavy weight of evidence as to her lack of proper mental control, Fenwick's counsel, Powys, did not scruple to say, "When it comes to be disputed who should have the estate, it is no wonder that she feigns herself mad . . . it is no improbable thing for a woman that hath made an imprudent match to endeavour to get rid of it again." When Dr. Nicholls deposed that he had seen her in a distracted state "a little before" the trial, Fenwick's counsel objected, saying "it is an easy matter for her to act a part for her purpose." On this Judge Powel remarked :—

"Your objection, I think, is this, that her lunacy since the marriage does not at all concern her marriage. But when her insanity of mind is sufficiently proved before her marriage, it must be left to the jury to consider whether this subsequent evidence is a counterfeit. It is an evidence that ought to be taken notice of. It seems to be a continuation of her madness before the marriage . . . it lies on your part to prove it a counterfeit madness if you can."

Sloane.—We have had an instance in the late reign of a great man that did counterfeit himself mad to save his estate.

L. C. J..—But he did not save his estate by it.

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Allied to the question of proper control was the question of her not seeking protection. The argument advanced against her amounted to this. If this lady was grievously injured by the people round her, why did she not appeal to Lord Manchester, the English Ambassador, who lived close by? Also, was it likely she

would have stayed on in Paris for three weeks, and then returned to London with Father Fenwick and Mrs. Selby, if she thought they had ill-treated her? Sir Thomas Powys put it thus :—" Suppose she had been so abused as they represent . . . can any man imagine she would not have sought for justice in the very place? Can anybody think that she would have kept her Priest an hour longer in her service? But she stayed almost a month in the same place, had the Priest always with her, and brought him along with her to England." Mr. Mount followed in the same strain :—" I would only beg your Lordships to take notice of this, that if this marriage was after the manner they pretend it to be, it is strange that she took no more notice of it in Paris, where it was transacted. Why did she not seek for justice? There was, besides, an English Ambassador, why did she not make her application to him, and put herself under his protection?"

Now it is not an easy thing for people in full possession of their faculties to act promptly and logically in an unexpected dilemma, and it is more difficult still for one who must have been conscious at moments that her reason every now and again failed her. There is a time when fearful souls, hemmed in by enemies, have found it politic to check the defiant spirit that naturally rises in them, and trust to a conciliatory cunning. Her own servants were gone, she knew only a few words of French, those about her had imposed violent drugs upon her, had locked her up in her room, had taken command of her money, and might do worse. To make a complaint was to make a row, possibly to invoke the

law. It may be the awful thought came over her that they would kill her, and go home and say that she was married to Fenwick, and seize her property.

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We now come to the question of Father Fenwick's control over Dame Mary. Mr. Brerewood testified that at Eaton, before she started for France, "she was governed by a priest that was there, and would hear nobody but him." The footman Lodge deposed that in Paris, Father Fenwick gave him strict orders as to what visitors were to be admitted.

Cooper.—Hearkey, Lodge, do you know whether my Lady was free to come out of her chamber?

Lodge.—The last week she was coming out one time, but the gates were barred against her. She said that she would take her coach and horses and go to St. Germain's and complain to the Queen how she was abused, but the gates were barred that she could not go.

Cooper.—By whose order were the gates barred?

Lodge.—By Mr. Lodowick Fenwick's order.

Cooper.—Do you know upon what account this order was?

Lodge.—He said if she went to St. Germain's, she would ruin herself, therefore he would keep her in.

L. C. J.—Was this before the marriage, or after?

Lodge.—I do not know whether it was before or after. Mr. Lodowick took her in his arms, and carried her back again into her chamber.

Madame Dufief testified that for "some time after she came she was not suffered to be seen by any person."

Cooper.—Who told you so?

Dufief.—Mr. Fenwick the Priest, who generally came to the door to give answers to those that came to visit my Lady.

L. C. J.—This proves she was kept in; who was it kept her in?

Dufief.—Fenwick the Priest was the person that kept her in.

L. C. J.—Why would he keep her in?

Dufief.—Because he said she was heated, then afterwards that she was disturbed in her head.

Hooper.—Did Mr. Lodowick Fenwick when he went out lock my Lady up in her chamber, and take the key with him?

Dufief.—Yes, I have seen him lock her up sometimes.

Mr. Hooper asked Lodge if everybody had free leave to come to my Lady.

Lodge.—Mr. Delaval was denied several times.

Cooper.—Who denied him?

Lodge.—Mr. Lodowick Fenwick ordered me if he came not to let him in.

Cooper.—Had you any other orders to deny people?

Lodge.—Not while at Paris the first time.

Cooper.—How was it when you came to Paris the second time?

Lodge.—Then I was ordered to let in none but Mr. Edward Fenwick, Dr. Eyre, Mr. Radclyffe, and Mr. Arthur.

Cooper.—Who gave you that order?

Lodge.—Mr. Lodowick Fenwick.

Cooper.—Did my Lady ever give you these orders?

Lodge.—No.

Le Claire, the confectioner in the Hotel Castile, is examined:—

Parker.—Was the Lady ever hindered from going abroad with anybody?

Le Claire.—Mr. Fenwick the Priest did obstruct her going, and one time when she was desirous to go out, and was gone out as far as the gate, he took her up in his arms and brought her back again.

Judge Powel.—When she was stopped did she design to go out?

Le Claire.—She had caused the coach to be got ready and brought to the door, and had a mind to go out.

Judge Powys.—Was it before or after my Lady was let blood?

Le Claire.—I think much about the same time.

L. C. J.—The Priest thought she was not fit to govern herself, therefore he would not trust her out by herself.

As to the next point, the sending of her own servants back to England, there was no dispute. Mrs. Cookson the Eaton housekeeper, William Jennings her footman, and Jane Smith her cook-maid, were all sent home, and she was left with Mrs. Selby, William Miller and Tom Lodge, all relatives or dependents of the Fenwicks.

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The next matter was her illness in Lyons and at Paris, and the medical treatment she had. Dr. Francis Eyre, of Butcher's Street in the suburb of St. Germain, who was sent for by Mr. Arthur, Lady Grosvenor's banker, and came to the Hotel Castile, deposed:—

When I came there I enquired after my Lady's health, and desired to see her and speak with her, they told me if she saw me and spoke with me, and knew I was a physician, she would take no physic of me, thereupon I informed myself of her health, partly by her Chaplain, and partly by her waiting-maid Mrs. Selby.

L. C. J.—Did you speak to her?

Eyre.—No, my Lord, because I knew that if I had ordered anything she would not take it.

L. C. J.—Did she see you?

Eyre.—She knew me to be in the room, but did not know me to be a physician.

L. C. J.—What should a stranger do in her room?

Eyre.—I was not in her room but in an ante-chamber, and saw her as I went through.

L. C. J.—Can you make a judgment of a patient only by seeing her as you pass through a room?

Eyre.—I must deal by her as I would by a child that is sick, I must make my judgment according to the description that the nurse gives of its illness.

This repugnance to see a doctor or take physic in Paris caused the Bench to ask Mrs. Selby :—

L. C. J.—How long was your Lady sick at Lyons?

Selby.—Four or five days.

Judge Powel.—Did she take physic at Lyons?

Selby.—Yes, and was let blood too.

Cooper.—Did she know her physic at Lyons?

Selby.—Yes, she knew of it at Lyons, and took it very willingly.

Judge Powel.—Your Lady was willing to take physic at Lyons, why was she not as willing to take physic at Paris as at Lyons?

Selby.—I cannot tell, my Lord.

Mr. Cooper then turned to another physician, not named, and asked :—“ As to the practise of physicians, as a physician, I ask you whether you would at all allow or prescribe anything without letting the patient know of it, that it is physic? ”

Physician.—No, I never did.

Hawles.—Suppose any man should send for you, and tell you that it is not fit you should let the patient know it is physic, would you have given it?

Physician.—No, I would have examined the patient.

We now come to the treatment prescribed by Dr. Eyre. He is asked as to his first visit on the Wednesday :—

Sir Thomas Powys.—Did you prescribe her anything?

Eyre.—I prescribed her a vomit, which consisted of one ounce of *crocus metalorum*.

L. C. J.—In what manner was it to be taken?

Eyre.—In wine; it is an infusion in wine.

In his summing up the Lord Chief Justice says :—
“ It seems my Lady was to be imposed upon in this matter, for when she called for a glass of wine, this emetick was to be put into it, and she was to drink it . . . not knowing anything of it. It seems she did not call that night for wine . . . but the next day she called for a glass of wine, and the emetic being infused in it she took it, and it worked upon her after an extraordinary manner.”

Madame Dufief was asked :—

Cooper.—Do you know anything of the vomit that was administered to my Lady, whether my Lady knew of the taking of it?

Dufief.—One night they did design to have given her this wine for the emetics were in the wine, but it was resolved to stay till she asked to drink, but she did not ask that night for a drink.

Cooper.—When was it done?

Dufief.—They kept it till next day, and about eleven o'clock Madame called for a glass of wine and a crust, then they brought this wine to her.

Cooper.—Who brought it?

Dufief.—One of the French footmen brought her this wine . . . An hour and a half Madame had taken this emetic, just about the time dinner was to be brought in, Mr. Fenwick the Priest called me himself, being very much frightened, and told me Madame was very sick. I came into the chamber and found Madame . . . on the bed . . . in a sort of convulsion. I went to her and asked her what her pleasure was, says she, oh, my dear I am dying, have pity upon me, give me some ease if you can . . . I gave orders they

should boil some brandy in water, and in the meantime, while it was doing, Mr. Fenwick sent for the doctor. I told the doctor I was going to make her a medicine, at which the doctor replied, you must take some milk and an ounce of syrup of violets and apply it to Madame . . . instead of syrup of violets I thought fit to make use of honey, I prepared it, and afterwards gave it her myself.

Cooper.—What account did Fenwick give why all this physic was given?

Dufief.—I know nothing of that, but I have something to tell you.

L. C. J.—What is it?

Dufief.—I was in ye gallery when Mr. Fenwick and the Doctor were together. I saw them and went to them . . . I told them they had given her a medicine for a horse, besides by reason of it she struggled, and beat herself, she had swounded away, and had been about two hours fainting and gone from herself, by reason I found Madame in that condition I took her into my arms, and I thought she would have perished in my arms.

Lodge is asked if he remembers his Lady having any physic after her return from Rome.

Lodge.—Yes, Mr. Lodowick Fenwick ye Priest called me and bid me fetch a roll of bread and some wine. I did so, and then I see him put the emetic into the wine, and he ordered me to give it to my Lady. I refused it, whereupon ye French foot-boy was called to give it her, and she took it.

Parker.—Why did you refuse to give it her?

Lodge.—Because I saw some drugs put into it.

Parker.—How did my Lady do after it?

Lodge.—She was pretty well for a little time . . . but she began to vomit mightily, and the Priest came and said I am sorry it works, it was not designed to work upon her so soon.

Parker.—What was done then?

Lodge.—My Lady was extremely ill, and Mr. Lodowick told the landlady of the house if she did not come to help her she would die, and she went to her.

After the emetic and the glyster came the laudanum. This was on the Thursday. Dr. Eyre deposed, "I ordered 4 grains of laudanum to be sent to my Lady's lodgings . . . I told them they might give her them in poached eggs or strawberries." Lodge deposed, "I was in the kitchen and they were getting some eggs poached for my Lady, and I saw some pills put into them."

Cooper.—Who put them in?

Lodge.—They were put in by Mrs. Selby.

Cooper.—Do you remember any strawberries . . . carried to my Lady?

Lodge.—Yes, and there were pills put into some of them.

Cooper.—Did anybody tell her of them?

Lodge.—She found them out herself.

Sir T. Powys.—Did you hear my Lady complain to any person in your hearing that there had been any violence offered to her?

Lodge.—She told me once that they would poison her, in giving her drugs.

Le Claire deposed that he saw the opium put into the poached eggs.

L. C. J.—Was it a reasonable quantity to give a person?

Le Claire.—I do not know, I am not a competent judge. I know a great quantity was put in.

Cooper.—But it was more than an ordinary quantity?

Le Claire.—Yes, a great quantity.

L. C. J.—Did you live in the house?

Le Claire.—Yes, my Lord.

Cooper.—Did you observe whether my Lady did behave herself with favour towards the Chaplain?

Le Claire.—She expressed a great disgust at the Chaplain and threw the chocolate dish at his head.

Cooper.—Do you know any other instances?

Le Claire.—She was so suspicious of his miscarriage in this matter, that once a servant having brought her a bottle of wine that she did not like, she caused him to bring another bottle out of her own parlour, suspecting that the Priest might have put something into it.

Cooper.—Is this that you have told by your own knowledge, or is it by hearsay?

Le Claire.—I have seen it, I am an eye-witness of it.

Mrs. Selby was examined about the physic.

Hooper.—Had she taken any physic?

Selby.—No, none that I know of.

Hooper.—When did your Lady take any laudanum?

Selby.—I know of none she took.

Hooper.—Nor no other physic?

Selby.—I do not say she took no physic, she took some physic.

Hooper.—I ask you whether any laudanum was given?

Selby.—I do not know what it was, but there was physic given her by Dr. Eyre's orders.

L. C. J.—When was it given?

Selby.—Wednesday, Thursday, and Friday, to the best of my remembrance.

L. C. J.—Did she take any physic herself?

Selby.—My Lord, it was offered to her but she would not take it.

L. C. J.—Did she take any on Thursday?

Selby.—No, my Lord.

Hooper.—My Lord, she said just now that she gave her Lady physic by the Doctors orders, Wednesday, Thursday, and Friday.

L. C. J.—Upon the oath that you have taken, did your Lady take any physic on Wednesday?

Selby.—My Lord, I gave her pills on Wednesday, by the Doctors orders but she would not take them.

L. C. J.—Did she take any on Thursday?

Selby.—No, my Lord, there were pills ordered for her, but she would not take them, I saw them come out.

L. C. J.—What were they given in?

Selby.—They were given in strawberries.

L. C. J.—Did she take any on Friday?

Selby.—No, my Lord.

L. C. J.—Did not Dr. Eyre come in all this time?

Selby.—Yes, my Lord, he came every day.

L. C. J.—Did he not enquire whether she had taken them?

Selby.—I told him she had not taken them. Then he prescribed some liquid drops, that I might give her in broth or any liquor, and I gave her them according to the Doctors orders.

Hooper.—When did you give them her?

Selby.—On Friday I gave them her.

Hooper.—Pray what time on Friday did she take those drops?

Selby.—I gave her eight in the morning, and eight in the afternoon in jelly-broth.

Cooper.—Did your Lady bid you put them into her jelly-broth?

Selby.—No, I did it by the Doctor's directions not my Lady's.

Cooper.—Did my Lady know they were put into her broth?

Selby.—I believe she did.

Cooper.—Did you tell her of them?

Selby.—I do not remember that I did.

L. C. J.—Did you tell your Lady that you put the drops into the jelly-broth?

Selby.—No, my Lord, I do not remember that.

L. C. J.—Did anybody else tell her so that you know of?

Selby.—Not as I know of, I cannot answer for other people.

L. C. J.—But you can answer for yourself: do you know that anybody told her that there were drops put into the jelly-broth?

Selby.—My Lord, I do not know that anybody did tell her so.

Hooper.—Was there anybody by when you put those drops into the broth?

Selby.—There was some of the rest of the family by then.

L. C. J.—Of the Lady's family?

Selby.—Yes, there was the Priest, and to the best of my remembrance the French footman.

L. C. J.—Did you immediately carry them to your Lady?

Selby.—Yes.

Hooper.—Was there anybody went in with you when you gave your Lady the broth?

Selby.—No, not as I know of.

Hooper.—Who then could inform my Lady that they were in?

Selby.—She did not ask me whether they were in or no.

L. C. J.—You know she had refused the pills, why then did you not acquaint her of the drops that were put into the broth? This is an imposition upon your Lady. Did you do like a faithful servant to give your mistress things that she knew not of?

Hooper.—When you brought the poached eggs to the Lady did she know what was in them?

Selby.—Yes.

Conyers.—Was there any pills put into the poached eggs?

Selby.—Do you speak to me, sir?

Conyers.—Yes.

Selby.—Yes there was.

Conyers.—Who put them in?

Selby.—I did.

Conyers.—By whose order?

Selby.—By the Doctor's.

Conyers.—Did your Lady know anything of them?

Selby.—Yes, she did.

L. C. J.—Did my Lady take the poached eggs?

Selby.—No, my Lord, she refused them.

L. C. J.—Why did she refuse them?

Selby.—I do not know, my Lord.

L. C. J.—Did she know there was pills in them?

Selby.—Yes, my Lord.

Hooper.—As to the strawberries, when were they given?

Selby.—I did not give them in the strawberries but see them come out.

Conyers.—Were those strawberries sent in to your Lady on the Thursday?

Selby.—Yes, to the best of my remembrance.

Cooper.—What were those pills that came out of them?

Selby.—I do not know.

L. C. J.—Why did she refuse them?

Selby.—I do not know, my Lord.

After the emetic, the glyster, and the laudanum in pills and drops, the Lady was bled, on Friday morning. "My Lady was blooded," said Dr. Eyres, "in her right arm, about the quantity of 9 or 10 ounces."

L. C. J.—How do you know, was you by when she was blooded?

Eyre.—My Lord, I was by when she was blooded.

Judge Powel.—I find that for letting of blood, and at taking of vomits your patient was easy enough, but not for taking of pills, how came that?

Eyre.—My Lord, I cannot tell, there is a difference between letting of blood and taking of pills.

Cooper.—You say on Thursday my Lady knew you to be a physician, who gave you the fee when advised with on Wednesday?

Eyre.—I had no fee then, nor till I had totally discharged myself, and that was some days after the marriage. We can act without a retaining fee.

L. C. J.—Did Mr. Arthur pay you?

Eyre.—Yes, my Lord.

L. C. J.—Did Mr. Fenwick give you nothing?

Eyre.—He never gave me one farthing in all my life.

Cooper.—Who did you depend upon for your pay?

Eyre.—My Lady's quality I supposed would be answerable, and I was not jealous of not being paid.

Cooper.—How could you depend upon my Lady for payment when she was not to know that you were her physician?

Eyre.—I did not much trouble myself about the payment, whether I should have anything or not.

Cooper.—Who did you do it out of friendship to?

Eyre.—I did it out of friendship to Mr. Arthur.

L. C. J.—Everybody knows the methods and ways of physicians, how that it is usual for them to have their fees; did you not think it strange to go away the first time without your fee?

Eyre.—My Lord, it is not so strange beyond sea, they give it you in the lump together there. Fees beyond sea are but small, it is but half-a-crown, and it looks better when there is a good many of them together.

L. C. J.—Do persons of quality use to give but half-a-crown fees in France?

Eyre.—I did expect my Lady would give me such fees as they give here in England. My Lord, I had five Louis d'ors of my Lady by Mr. Arthur.

L. C. J.—What is he?

Eyre.—He is a banker by his profession, and had the management of all my Lady's money.

L. C. J.—How do you know that?

Eyre.—I knew no otherwise than as I heard so.

Madame Dufief is questioned about the bleeding :—

Cooper.—I ask you how often she was blooded?

Dufief.—She was blooded the next day.

Cooper.—How much blood was taken from her?

Dufief.—She was blooded three great little porringers. I do not know how much it was.

Cooper.—Was she blooded again a day or two after?

Dufief.—She was blooded afterwards within a few days.

After the evidence of both sides as to the stealthy administration of physic, the Bench evidently felt that this was not easily reconciled with the Fenwick's assertion of the patient's complete sanity, so this question was put direct to Mrs. Selby :—

L. C. J.—Then you do take it upon your oath to say

there was no appearance of distraction upon my Lady Grosvenor?

Selby.—Not as I could see.

L. C. J.—How came it to pass, if she was of a sound mind, that you should presume to impose physic upon her?

Selby.—I did not, my Lord, I did nothing but by the doctor's order.

L. C. J.—Yes, you did impose upon her to make her take a vomit, and surprised her in taking of pills in poached eggs, then afterwards in strawberries, then after that to put drops in the jelly-broth . . . Is not this a saucy kind of proceedings? You were all her servants, certainly it was a combination among you, and is that which is not to be endured from servants to their Mistress if she was mad; and if she was sound in her senses, you ought to have let her judge of her physic.

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It seems that at a certain point during these proceedings "The Jury required a little refreshment. The Court thereupon had about half-an-hour's respite and then went to it again." Where the jury got their food, and what it was, we are not told. Possibly they were conducted by tipstaves to the taverns called "Heaven" and "Hell" which nestled under the north end of Westminster Hall, written about in *Hudibras*, and dined in by Pepys, and alluded to in the *Rolls of Parliament*, Vol. 6, page 372, where a grant is specified made to Piers Carvanell by Henry VI of the "keeping of the houses called Paradyse and Hell within the Hall of Westminster . . . and also the keeping of the Purgatory within the said Hall." One can imagine that the table-talk was about the judges, counsel, and witnesses in the suit. The Lord Chief Justice was somebody to talk about. Plate 28 is a reproduction of his portrait in the National Portrait Gallery. He was strong, searching

and impartial, and gifted with a sense of humour. Perhaps somewhat like Bramwell, full of masculine common sense, and caustic criticism of unreality and affectation. Evasive and shuffling witnesses were brought up sharply if they tried to gloss over their doubtful conduct, or pretended they were ignorant of what they knew well. Mrs. Selby, for example, was asked :—

Hooper.—Was Miller servant to my Lady, or to Mr. Lodowick Fenwick?

Selby.—He must give an account of himself, I cannot tell.

L. C. J.—Answer directly whether or no this Miller that you speak of was servant to Lodowick Fenwick.

Selby.—He lived with him as such.

At one point during the trial, Fenwick's counsel objected to two persons who were taking verbatim notes of the proceedings, I presume the very notes of which I have a fair copy before me :—

Sol.-Gen.—My Lord, I am informed that there are two particular persons employed in taking the trial, and if there be no order from your Lordship, I know no reason why it should be taken.

L. C. J.—I know nothing of that, I do not meddle with such things, it is a private trial, a trial between party and party, and may be written.

Darnel.—They cannot do it without leave of the Court.

L. C. J.—How can we hinder it? Why should not they be satisfied as well as they can?

Some of the lighter touches, such as occur in even the most serious legal proceedings, are very refreshing, and have lost none of their gaiety by being shut away for over 200 years. One of Fenwick's counsel, the



Richard van Noort, pinxit

Engraved by J. Smith

Lord Chief Justice Holt
from the painting in the National Portrait Gallery

rather pert Mr. Sloane, laid himself open more than once to the humour of the Bench. The French Protestant Minister was giving evidence about marriage regulations in France, and was asked :—

Sloane.—Pray how were your father and mother married?

Judge Powel.—That's pretty well; can you call upon him upon his oath to give evidence of the marriage of his father and mother?

Sloane.—I can tell where my father and mother were married.

L. C. J.—Was you there?

At another point, Mr. Sloane, waxing towards a peroration, said, "I heard say in a cause of my Lord Peterborough's, if you had two points in a cause, one weak and the other a strong one, you do the greatest injury in the world to insist upon that weak one. The marriage in France, why do they trouble the Court and Jury with so many impertinences?" *L. C. J.* Why do you?

There were several good stories afloat about Holt that might have gone the round of that supper table. It was said that on one occasion he recognized, in a criminal he sentenced, an old school-fellow, and, moved by charity, visited him in gaol. Among other things, he asked the prisoner what he knew of the rest of their old school-fellows. The culprit replied, "I believe they are all hanged except your Lordship and myself." Another nice example of judicial humour is attributed to Holt to the effect that some inspired sectarian told the Judge he had been sent by the Lord to demand a *nolle prosequi* for one John Atkins, whom his Lordship

had sent to gaol. To this Holt replied, "Thou art a lying knave. If the Lord had sent thee it would have been to the Attorney-General, for the Lord knows it is not in my power to grant a *nolle prosequi*; but I can grant a warrant to commit thee to bear John Atkins company, which I certainly will." (*Notes and Queries* 8 S. II, 31.) But it is time for the jury to "go to it again."

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The next point to be considered was the legality of the marriage. Mr. Hooper in his opening address said:—

"As for this pretended marriage we must a little consider whether this be a good marriage in the place where they were, or by our law. And as for the first, if they will have it a good marriage in France, they will not find it to be so, if they will go according to the rules and customs of that country. For whether this Lodowick Fenwick be a priest or not, nobody can tell. He goes in the habit of a layman. They say, indeed, that he officiated sometimes among the monks. Now a monk must not marry, it must be in the Parish Church, by a Parish Priest, and clandestine marriages in that country are not valid, for they are null and void that are done after such a clandestine manner. Supposing him to be a monk, admitting him to be one, I do not know that he hath any more power to marry than a mere layman. This Fenwick was one that had not taken any orders from ye Bishop to marry, and if so, suppose a writ of dower should be brought, and issue in matrimony, how can they certify this to the Bishop, and yet it is the way the law prescribes? I think he hath no more power, my Lord, to marry than a Quaker. Nobody will say that the Bishop of any place hath any authority to send to a layman about marriages. He hath not power over those that are not under him. My Lord, we shall prove that this marriage is void by the laws of their

country. There must be more witnesses than two present at this marriage, there must be four at least; and there are several ceremonies wanting in this pretended marriage according to our canon, no banns, no licence, no ring given."

A French Protestant minister is called :—

Hooper.—Who are capable of marrying people in France ?

Minister.—The Parson of the parish, or the Priests that have their authority from the Bishop.

L. C. J.—I ask you whether or no a marriage by a Romish Priest without a licence be a good marriage ?

Minister.—No, no marriage at all according to the principles of the Romish Church.

L. C. J.—We ask for the customs of France . . . a marriage without a licence is an irregular marriage, but does it make an absolute nullity . . . is it so void that the persons are thereupon guilty of fornication ?

Minister.—I believe so, my Lord.

A French lawyer is called :—

Hooper.—Are you acquainted with the laws and customs of France ?

Lawyer.—Yes . . . and know all customs in marriages.

Cooper.—Is a marriage in a chamber, by a Priest, that is no Parish Priest, nor impowered by the Bishop, before only two witnesses, a lawful marriage ?

Lawyer.—It is an irregular marriage, but I do not know whether such a marriage would be set aside.

Mrs. Selby is asked :—

Hooper.—Was there a ring given at this wedding ?

Selby.—I do not know that there was any.

Hooper.—Did you ever see the Lady wear any wedding-ring that was given her by Mr. Fenwick ?

Selby.—I never see my Lady wear a ring in my life.

Cooper.—What habit was the Priest in when he solemnized the marriage ?

Selby.—The habit he used to wear when he was upon his travel, a secular habit, such as other gentlemen wear.

Another point with regard to the legality of this supposed ceremony was the conflict of evidence as to when it was performed. William Docwra swore that when Dame Mary returned to Millbank from France, he went to see her, and on that occasion questioned Selby and Miller as to the exact time of the marriage, and both said it was at 12 o'clock on the night of June 17. This was confirmed later by a footman who deposed that Father Fenwick left the house early on the 18th, and did not return till 3 p.m. It also throws some light on Madame Defief's evidence respecting her and her husband being disturbed on the night of the 17th by a great noise, heard through the lath and plaster partition. "We were waked," she deposed "and my husband said, what strange people are these, what a noise they make . . . what the devil of a nation is this . . . I heard the chairs and stools rattling to and again, and they spoke very loud as people do when they use to quarrel."

Cooper.—How long did the noise continue?

Dufief.—It continued 2 or 3 hours . . . The next morning I asked the footman what the matter was, I told him I did not understand that such a noise should be made in my house. The footman said it was the devil of a Priest that had a mind to marry my Lady to his brother.

Cooper.—Was any china plates broken after the noise was made that night?

Dufief.—Every day after that they were at dinner together they always quarrelled, and one time when they were at the last service of the fruit, she took a china dish of cream, and

threw it at the Priest's head, he stooped, and so avoided the blow.

L. C. J.—Was it a dish of cream?

Dufief.—Yes, it was cream.

L. C. J.—Was any other dishes flung at his head?

Dufief.—I heard from the domestics that there were others thrown, but I did not see them.

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It is remarkable that no counsel in this case produced the actual words of the Decree of the Council of Trent dealing with marriage, which ordained,

“that, for the future, before a marriage is contracted the proper parish priest of the contracting parties shall three times announce publicly in the Church, during the solemnization of mass, on three continuous festival days, between whom marriage is to be celebrated . . . Those who shall attempt to contract marriage otherwise than in the presence of the parish priest, or of some other priest by permission of the said parish priest, or of the Ordinary, and in the presence of two or three witnesses; the holy Synod renders such wholly incapable of thus contracting, and declares such contracts invalid and null . . . And if any parish priest, whether Regular or Secular, shall presume to unite in marriage the betrothed of another parish, or to bless them when married, without the permission of their parish priest, he shall—even though he may plead that he is allowed to do this by a privilege, or an immemorial custom,—remain ipso jure suspended.”

Francis Radclyffe in his letter to Mr. Cholmondeley says the Archbishop of Paris saw “the Pope’s faculties to Father Fenwick,” but there is a letter among the Grosvenor archives from Bishop Ellis, which makes it very doubtful whether this is true:—

“ † Rome 10 Jan. 1702. That indiscreet Monk f. Lawr. ffenwick, who marry’d or pretended to marry the Lady

Grosvenor, widdow, to his owne brother, did not do it by vertue of any special power he received from this Court when he was at Rome, as far as I can learn. I only know that he and another monk coming up about the same time, and both in secular habits, upon account that they travelled with the families they assisted, people were disedified not being accustomed to see monks in that dress, and they had been commanded to put on the habit of their order were it not out of respect to the ladies to whom they were chaplains, and who must have been deprived of their assistance, for in their habit they could not be permitted to live in secular houses; wherefore, in consideration that the ladies were strangers and pilgrims, and unacquainted with the language, the said monks had a dispensation given them to continue and travel in secular, and to use the faculties of the Mission in relation to the families they served. That is, to receive their confessions and assist them in case of sickness, but not to extend that indulgence granted *In aedificationem et non in destructionem*, so far as to cast away so great a fortune upon a cadet that has nothing is a scandalous abuse of it besides the intention of the concession. For which trespass it's expected by this Court that his Superiors make an example of him to deter others from the like attempt. He seemed indeed very improper, having no great settledness nor discretion to take care of a Lady that has been shut up and is still at the least half mad, of which she gave us some instances here. The grant I mentioned was not issued either at the Lady's or his instance, for he seemed to think of nothing but being assiduous about her. It was granted at the instance of the other monk, and thought convenient to comprehend them both to avoid scandal, but it came not out till the Lady and Fenwick were parted. I know not whether it was sent after him, but am persuaded he had not received it when he married the Lady, but produced, or alledged it as a title after the thing done. This your friend may rely upon as to the matter of fact, as far as it is come to the knowledge of yours † Ellis."

This letter was written by the Bishop to his brother

Sir William Ellis, then in Paris, who had been Secretary to James II at St. Germain's.

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With regard to what happened after Dame Mary left Paris, Madame Dufief is questioned :—

Hooper.—After Madame was gone into England, how long time was it before you saw Mr. Edward Fenwick ?

Dufief.—Some time after, about 15 days or more; Mr. Fenwick and Mr. Arthur came to my house.

L. C. J.—Was Fenwick the Priest gone away with my Lady ?

Dufief.—Yes. It was Mr. Edward Fenwick that desired me to go into the garden.

L. C. J.—What did they say there ?

Dufief.—Mr. Arthur spoke to me first, and said, Madame, there is Mr. Fenwick that married my Lady Grosvenor. I made him a courtesie, and rejoiced, but told him I knew nothing of the matter. Upon this he made this reply, and said, Do you know nothing of it, oh you must not say so.

Hooper.—Who said this ?

Dufief.—It was Mr. Arthur that said so.

Hooper.—Was Mr. Edward Fenwick there then ?

Dufief.—They were there both together.

Hooper.—But did Mr. Edward Fenwick hear Mr. Arthur speak so ?

Dufief.—Yes, he heard it.

Hooper.—Did any of them offer you anything ?

Dufief.—They did not offer me any money, but I must say when I told them I knew nothing of it, they told me you must not say that you know nothing of it, but that you did know of it, and they would reward me, they would make me some recompense. To which I made answer and said, if so be I am asked, I shall think myself obliged to speak the truth. I told them likewise that I wondered how such a thing should be done in my house, and I know nothing of

it. They answered me I had nothing to do to enquire into that.

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Evidence having been given by both sides on the chief points in dispute, the last stages of the trial were occupied in attempts to undermine the credibility and character of some of the witnesses. The footman Lodge and Madame Dufief were violently attacked by Fenwick's counsel. Considering that both were chosen by the Fenwicks or their agents to serve Dame Mary, one would not imagine this to be a wise policy. Lodge in the midst of his evidence suddenly addressed the Lord Chief Justice. "My Lord, I was threatened to be arrested before I came into Court."

L. C. J.—He ought not to be threatened.

Sloane.—Do you know Captain Viner?

Lodge.—Yes.

Sloane.—Did you ever live with him?

Lodge.—Yes.

Sloane.—How came you to part from him?

Lodge.—He sent me to a coffee-house for a book, and I stayed a little longer than ordinary, when I came back again he beat me, and ordered his man to beat me, and strip me, and turn me off, and the next morning, because of that, I went away with my cloathes upon my back, and nothing else.

Sloane.—You talk of being afraid of an arrest, who is it will arrest you?

Lodge.—Mr. Viner's man.

L. C. J.—That was not well done, he deserves to be laid by the heels for it.

Sloane.—Are you not afraid of being arrested for your own debts?

Lodge.—Nobody at all.

Sloane.—Hath nobody paid for you on account of my Lady Grosvenor?

Lodge.—No, not in any part of England. When I was with Mr. Edward Fenwick this man came to me and told me he had paid Mr. Viner for the cloathes, and then came to me and said if I would not give him the money again, he would arrest me. I went and told Mr. Edward Fenwick, and he gave me £10. When I had given him this £10, then he promised me he would stay long, yet again, almost as soon as he had it, he threatened me.

L. C. J.—Are you in service now?

Lodge.—No, my Lord.

L. C. J.—How do you live?

Lodge.—I have a little money and live upon that.

Sol.-Gen.—What makes you wear a sword?

Lodge.—A man may wear what he pleases, so long as he is out of service. When I have got a place I will leave it off.

Later on Mr. Viner is called :—

Sol.-Gen.—Was Tom Lodge your servant, have you seen him to-day?

Viner.—I saw him in the Court.

Sol.-Gen.—Was he your servant, Mr. Viner?

Viner.—I believe he was.

Sol.-Gen.—Do not you know whether he was or not?

Viner.—I believe he was.

Sol.-Gen. (speaking to Lodge).—Is Mr. Viner your master?

Lodge.—I think he was once.

Sol.-Gen. (speaking to Viner).—While he lived with you did he use to speak the truth, or was he a lying boy?

Viner.—As lying and infamous boy that could be. I never saw a wickedder boy in my life.

Hooper.—Can you remember one lie in your life that he told?

Viner.—Indeed I have something else to do to charge my memory with such things.

Mr. Daniel Westly was called and sworn, and told how he went to Dover with some horses, "going for France":—

"On coming into the kitchen, I saw that boy with a good suit of clothes, stand by Mr. Smith, the Master of the house. I asked him what he was going into France for, says he, to seek my fortune. 'Have you been there before?' said I. 'Yes,' said he. I asked him who he served there, he told me the Lady Grosvenor. I, having heard much of the marriage, was desirous to ask him about it. He said it was a very ill thing, and that his Master was one of the most abused gentlemen in the world. This was on Wednesday morning. I observed from that day forward he was often playing at all fours with the tapster for he lay with him. The next morning, pretty early, Tapster runs downstairs into the street, and in less than a quarter of an hour he brings that boy by the collar into the room. The tapster said, 'this boy lay with me, and broke open my trunk, and took money out; he said he did not break open the trunk, but found it open, but owned he had the money, and made returns of it again to the tapster.' 'I think,' said I to Mr. Smith, 'you should have the rascal before the Mayor of the town, and have him corrected for it'; but the Mistress of the house advised to the contrary, seeing the tapster had his money again. They turned him out of the house, I think that night. The Packet Boat went off on Monday, and I arrived at Calais, and made it 3 weeks before I got to Paris. I met with that boy at St. Germain, 'are you got here?' said I. 'Yes,' says he. 'With whom do you live?' 'With Mr. Bierly,' says he, 'pray do not acquaint Mr. Bierly with the fact at Dover, because it will ruin me.' Says I, 'If you will be a good boy for the future I will take no notice of it.' Afterwards I heard he had turned Cat in Pan,¹ and had sworn strange things against his Master, quite contrary to what I heard him say at Dover."

¹ "There is a cunning which we in England call 'the turning of the cat in the pan'; which is, when that which a man says to another, he lays it as if another had said it to him." Francis Bacon, "*Of Cunning*."

Sol.-Gen. (speaking to Lodge).—Lodge, did you see this gentleman at Dover?

Lodge.—Yes.

Sol.-Gen.—Do you remember anything of returning money to the tapster?

Lodge.—Yes, and I'll answer for myself. As I was playing with that boy in his chamber at cards, having a quarrel, he cheated me, and seeing 2 shillings upon the trunk, it was the money we played for, I sweep it up, put it into my pocket, and ran away with it.

Elizabeth Bamber, called and sworn.

Sol.-Gen.—Do you know that boy?

Bamber.—Yes, he was half a year at my house with Mr. Fenwick. He was a rude boy as ever was, for lying and swearing, and keeping out till I do not know what time of night, and all night sometimes.

The Solicitor-General called two witnesses as to the character of Madame Dufief. Mr. Swinger, who had “served the Lord Wilmot,” and lodged at the Hotel Castile, and had heard about the town that the landlady was given to “a merry bout”; also a Mr. Blood, who had heard “she was one of no very good character.” On this Dame Mary’s counsel called Mr. Erasmus Lewis, Secretary to Lord Manchester our Ambassador, and the friend of Swift, Prior, Pope and Gay, who said, “I lodged in her house about 6 weeks with Mr. Howard. It is a very quiet orderly house. I never saw anything that was ill either by her, or any of the family. It is a very reputable house, there hath been a Prince of the House of Saxony lodged there; the Lord Duke of Shrewsbury, and at the same time the Admiral of Castile lodged there.” The Lord Chief Justice took care in

his summing up to say, "I see no objection at all against Mrs. Dufief.

After an attempt had been made to defame the character of Mrs. Selby, a Mrs. Ridley was called to restore her reputation :—

Sol.-Gen.—Mrs. Ridley, do you know Mrs. Selby ?

Ridley.—I do know her, and have known her for a matter of a dozen years, and know her to be a person of a very good and virtuous reputation.

Sol.-Gen.—Does she take care of her parents ?

Ridley.—She is as good a child to her parents as any in the world.

Sol.-Gen.—Can you speak no louder ?

Ridley.—No, sir.

Sol.-Gen.—Then go home to sleep.

As it was nearly 4 a.m. it was about time they all went to bed, and it must have been a moment of considerable relief when the Solicitor-General announced "My Lord, we have done on all sides."

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The Lord Chief Justice began to sum up the evidence in these words,

"Gentlemen of the Jury, It is supposed and admitted on all hands to be the estate of the Lady Grosvenor Mr. Edward Fenwick does endeavour to make out his title to . . . on this account, that he was married to her (as he says), and that, Gentlemen, is the only question you are to try. If so be Mr. Fenwick be the husband of my Lady Grosvenor, then he hath a good title to the estate; if he is not married to her, then he hath not. You have heard a very long and large evidence, on both sides, and indeed it is a thing of an extraordinary nature, it is a marriage supposed to be contracted and solemnized within this two year in a foreign kingdom,

so near as France is, and in the city of Paris, that there should be so much difficulty to make out a marriage of my Lady Grosvenor with Mr. Fenwick; that notwithstanding the marriage insisted on be so lately, and so near, how much time hath been taken up in giving evidence on behalf of the Plaintiff and the Defendant."

The Lord Chief Justice then unfolded the story from the evidence, with great impartiality, and towards the end focused the issue for the jury with great and serviceable clarity.

"But then suppose there was a formal marriage celebrated, the question is whether my Lady Grosvenor was of sufficient soundness of mind to marry. They do, in behalf of the Plaintiff say very well that it does not follow that because a person is not of a sound mind, that therefore she cannot marry, that there may be lucid intervals, and she may be capable of marrying, yea if there be a frenzy, if the person be able to know and understand what she is about it may be done, and I think so too, it may be done. But then the question will be whether this person be in a raving condition, and is deprived of common sense and understanding, if so she cannot marry: or, if she be intoxicated and so deprived of her senses that person cannot. None can marry but those that have some degree of sense and reason, and must know what they do . . . If there be an intoxication by physick or medicines to a high degree then it would be no marriage at all. Now if you believe in this case a formal marriage, the question is whether she did it as understanding what she did, that is to be considered. They say surely the Lady must be looked upon as a mad woman, they treated her like a mad woman. Was it not an odd thing to impose a doctor upon her and hurry her into taking of things? Therefore you are to consider whether she understood what she did at that time . . . If so be this Lady was so distracted that she knew not what she did, whether she was so by a disease, or made so by art or physick, and so brought to be married when she did not know what she did, then it will be no marriage,

then the issue will be the Defendant's. On the other side, if you are satisfied that there was no such sort of marriage, but that she was in her senses when she married, then the issue will be the Plaintiff's."

The Jury found for the Plaintiff.

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What they all did at 4.30, on a raw February morning, tired, cold, and hungry, amid the odour of expiring candles, some elated with victory, others crushed by defeat, I know not; but suspect they all trooped into "Some Tavern bar both warm and bright, And cheerful with a ruddy light," and that one party went to "Heaven," and the other to "Hell." Later in the day Narcissus Luttrell inscribed in cold ink in his diary:—

"Yesterday was a trial at the Queen's Bench Bar, which lasted till 4 this morning, between Mr. Fenwick, Plaintiff, and Lady Grosvenor, Defendant; the former setting forth that he was married to her in France: the Court seem'd to be of opinion 'twas a forc'd marriage, but a verdict was given for the Plaintiff."

Seeing that most libraries are equipped with Luttrell's *Relation of State Affairs*, it is curious that no London historian I have read, has noted that this Lady Grosvenor was the heiress of Ebury Manor.

Evelyn records, "1702-3. Feb. A famous cause at the King's Bench between Mr. Fenwick and his wife, wch went for him with a great estate." A footnote to this says that Mr. Fenwick's wife was "daughter and heir of Sir Adam Brown," instead of Alexander Davies. This error was handed down from editor to editor, even

including Dr. Wheatley and Mr. Austin Dobson. It is true that Sir Adam Browne's daughter married a William Fenwick in 1691, but the Fenwick in the suit was Edward, and half an hour at the Record Office would have checked the career of this hereditary blunder.

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Meanwhile, the individual most concerned in this tragedy was safely ensconced at Eaton, from which retreat she addressed a few letters to her mother at Millbank:—

"March 15, 1703. I like the stuff very well for the child's coat, and give you thanks for choosing it. Sir Richard gives his duty and many thanks for his shoe buckles . . . Mr. Cholmondeley hasnt been here yet, I expect him this week, and if he thinks it proper I had rather come up to the trial and answer for myself. If he dont approve ont I will let it alone, but I am very weary here, for I take them all to be maddish . . . God send me amongst sencebell pepell.

Your dutiful ob. Daughter

M. Grosvenor.

Mr. Massey got the ye first race at ffarn (Farndon) last week, and Sherwood the second."

A little later she wrote:—

"I desire you'll please to tell Mr. Andrews I would have him buy me 6 water glasses, to wash one's hands after dinner; and 2 canary birds, and some meat for them, rape seed and canary seed mixed together, and send me with the things I writ to him for, by the carrier. And pray send me 2 cloths for my dressing-table, to work, me having little to do; and Sir Thomas's and my arms together in the middle, and a cipher M.G. at the corners, worked all in yellow silk, and some silk to work them."

It seems to have been a favourable moment for the purchase of canaries, for at this time the following advertisement appeared in the *Post Man*.—

“At the Old Black Joes the German Bird man in Crooked Lane, there is a good number of Healthful, Stout and very choice song Canary birds, mottled, White, Ashcolour, and Grey; Cocks and Hens of each Colour, also a white Cock that Pipes the Happy Groves and a Flourish very fine, and a fine Mock Bird in Song, and fine Taught Parrots, to be sold by Nicholas Heath.”

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It is rather difficult to account for this Queen's Bench verdict. It is said to have been against the general public opinion, and a surprise to the winning side. They never made any attempt to seize the property in consequence of it. The whole set-out of coercion, drugs, and blood-letting, is hideous. One would have thought that the story by itself would have led twelve average respectable English Protestant citizens to have stultified this pitiless plot. Not at all, the jury found for the ceremony and excused the circumstances. Jacobite bias is possible, but would take long to trace, and is not worth pursuit. A plausible explanation is a general sympathy with “hedge-marriages,” and successful “heiress-hunting.” The cruelty rouses our indignation, but probably did not do so in days when beheadings, hangings, disembowellings, and quarterings, were crowded spectacles. There is very little religious or political prejudice in the trial, Catholics and Jacobites being represented on both sides.

It seems curious to us now that by the law of those days neither Fenwick nor Lady Grosvenor could give

evidence. No one interested in the pecuniary result of the trial could be sworn. The priest who married them could not depose in the Queen's Bench, and if he had come to give evidence he would be in danger of high treason, yet he could depose in the Court of Delegates, and in that of the Dean and Chapter of Westminster.

"If the best comes to the best," said Lord Chief Justice Holt, "it is not a respectable marriage," and I think most people would agree with him. They would also assent, I believe, to the idea that this was an occasion when scrupulous care should have been taken to surround the ceremony with every possible precaution to avert scandal. It was a time when the Catholic Church needed faithful and conscientious priests to carry out the ordinances she had laid down to protect the Sacrament of Matrimony from abuse. Father Fenwick had great responsibilities to the Church, of which he was a priest, to the Benedictine Order to which he belonged, and to the unprotected widowed lady of unstable intellect, to whom he was chaplain. Every great order that survives through a thousand years is liable to suffer from rash subjects being led away by headstrong ambition into unworthy ways. "It must needs be that offences come," and I can find no excuse for his conduct, which did little credit to his calling or his honour. Setting aside the matter of lunacy, drugs, lack of Parish Priest, licence, banns, or ring, what happened was not what ought to have happened, nor what might have happened. Father Fenwick's subsequent history with the Benedictine Order betrays the same

wilful perversity. When he could not have his own way he threatened his own colleagues, who were long-suffering with his incorrigible arrogance. He died in disgrace.

Among the Grosvenor archives is a manuscript copy of an extract from a book entitled *Advertisements from Parnassus*. I suppose this was an imitation of Bocalini's *I Ragguagli di Parnasso*, translated as *Advertisements from Parnassus* by Henry Carey, second Earl of Monmouth, but unfortunately I cannot find a perfect copy of the book, so am not able to verify the quotation. Watt gives it as by David Mitchell, published in folio at Edinburgh, 1710, but there is no perfect copy in the British Museum or Oxford, Cambridge, or Edinburgh. I give the extract as it is at Eaton :—

“Adv: 91. APOLLO vissits the Prisons where he heares severall Causes, acquits some and comdemns others.

In page 135 Stand reported this Story Vizt.

The next person the Jaylor brought to be tryed was a Monk. The Complaint against him was That havving a designe to get a Lady (who was a very Considerable Fortune) for a wife to a near Relation of his, He had (like a Crafty Preist) perswaded her to beleive she cou'd never have absolution for her sins unless she took a merritorious Pilgrimage to the Jubile at Rome, there to receive from his Holiness an Indulgence wch might (contrary to the usage of Mother Church who parts not with so much as her Blessing for nothing) at that time might be had Gratis, The Good Lady being out of her senses (and therefore perhapps very zealous) was resolved to follow the Directions of her Ghostly Father, Wherefore She prepared with all speed for a Jubile Journey. But her Relations who had not the best oppinion of ye monk would not consent to her goeing till he had solemnly sworne to e'm (Super Verbum Sacerdotis) he woud certainly return

her safe to e'm in the same Condition he carryed her abroad.

Whereas contrary to his Oath, protestations and all tyes (but those of irrestable Interest) He had so contrived it by the help of a dose of opium and ye Assistance of a Chambermaid, That the Lady was marryed to his Relation before she knew anything of the matter her selfe.

To this accusation ye monk said That the same cause having once been heard and determined in another place, He hoped his Majtie would please to acquitt him. But Apollo told him The tryall he mentoned wod not pass for evidence in the Delphine Courts. For he knew well—

That Juryes sometimes give their verdict }
As if they felt the cause, not heard it } Hudibras

Wherefore havving punished ye monk according to his Deserts he bid the Ladys Relations take more care next time how they trust a preist."

COLONEL COLEPEPER

THERE is now precipitated into this story a character so fantastic that one is led to believe that Cervantes originated the man, and Dickens the name. Colonel Thomas Colepeper, son of Sir Thomas Colepeper, knight, Lieutenant of Dover Castle, was born (he says) at St. Stephen's in Kent, on Christmas Day, 1637. His mother was Lady Barbara, daughter of Robert Sydney, Earl of Leicester, and widow of Thomas Smythe, first Viscount Strangford.

The *Dictionary of National Biography* says that Colepeper lived as steward in the Strangford family, and with his half-brother, Philip, Viscount Strangford "busied himself in promoting the King's (Charles II) return and was imprisoned by the Council of State in August and September, 1659." In 1662 he married Frances, daughter of John Frescheville of Staveley in Derbyshire, created Lord Frescheville by Charles II in 1664. It was a stolen match, and so displeasing to the lady's father, that he refused to make any settlement, though when he died in 1682, he left her an annuity of £300, which she probably never enjoyed, as her father was compelled to sell his manor to the Earl of Devonshire. From 1675 to 1686 Colepeper was employed as an engineer in the Ordnance Office, beginning at the salary of £100 a year.

The most significant event in his life, recorded at some length by Macaulay, was his assault upon the Earl of Devonshire, whom he struck within the precincts of Whitehall Palace. Evelyn wrote, under date 9 July, 1685 :—

“Just as I was coming into the lodgings at Whitehall, a little before dinner, my Lord of Devonshire standing very near His Majesty’s bedchamber-door in the lobby, came Colonel Culpeper, and in a rude manner looking at my Lord in the face, asked whether this was a time and place for excluders to appear; my Lord at first took little notice of what he said, knowing him to be a hot-headed fellow, but he reiterating it, my Lord asked Culpeper whether he meant him; he said yes, he meant his Lordship. My Lord told him he was no excluder (as indeed he was not); the other affirming it again, my Lord told him he lied; on which Culpeper struck him a box on the ear, which my Lord returned, and felled him. They were soon parted, Culpeper was seized, and his Majesty, who was all the while in his bedchamber, ordered him to be carried to the Green-Cloth Officer, who sent him to the Marshalsea, as he deserved.”

For this offence Colepeper was imprisoned, and condemned to lose his hand. Such a breach of the King’s Peace within his Majesty’s Palace was a serious outrage, and Chamberlain in his *Magnæ Britannicæ Notitia* (1726) sets out the solemn ceremony prescribed for the punishment of the culprit, “For striking in the King’s Court”:—

The Sergeant of the King’s Wood-Yard brings to the Place of Execution a square Block, a Beetle, Staple and Cords to fasten the Hand thereto; the Yeoman of the Scullery provides a great Fire of Coals by the Block, where the Searing-Irons, brought by the chief Farrier, are to be

ready for the chief Surgeon to use; Vinegar and cold Water, brought by the Groom of the Saucery; the chief Officers also of the Cellar and Pantry are to be ready, one with a Cup of Red Wine, and the other with a Manchet, to offer the Criminal. The Sergeant of the Ewry is to bring Linnen to wind about, and wrap the Arm; the Yeoman of the Poultry a Cock to lay to it; the Yeoman of the Chandlery seared Cloths; the Master-Cook a sharp Dresser-Knife, which at the Place of Execution is to be held upright by the Sergeant of the Larder, till Execution be performed by an Officer appointed thereunto. After all, the Criminal shall be imprisoned during Life, and fined and ransomed at the King's Will.

Colepeper lay in the Marshalsea for some time whilst his unselfish and distracted wife went about trying to secure his pardon. There is a pathetic letter from her to Lord Danby commencing :—

My Lord, It is not the least of my afflictions that I am forced to trouble your Lordship. I most humbly beg of your Lordship to write a petition for me to the King, to let his Majesty know that if he keeps my husband in prison we must both starve. I thought my father had merited more than to make me starve for a rash action of my husband's . . . they tell me now that the King's pleasure is declared, his hand is spared . . . and it is an obligation I owe to your Lordship, and to nobody else. God Almighty bless you for it, you shall have my prayers as long as I live.

Meanwhile her irresponsible spouse wrote to her from the Marshalsea :—

Here is a prisoner in the house that had a civet cat, which was as tame as any other cat, and always lay with him; and he sold it for twelve pounds. If you care for it, I will make him see if he can get it again, for you know they sell them for much more money.

While the Colonel was recommending this perfectly good cat from the Marshalsea, his wife, on 5 March, 1686, petitioned the Council at Whitehall Palace for protection against the insults and onslaughts of Lord Devonshire's servants. She said her house

hath been assaulted both before and on the 28th of February last, and again on the first of this Instant March, and the Petitioner hath been much affrighted, and both shee and her Husband abused by ill Language . . . Insomuch that the Petitioner (who hath very few servants around her) is in continual feare both of her own Life, and of the Life of her Husband, who is dayly threatened by the Servants of the Lord Devonshire, and is not in a condition, as other men are, either to defend or right himselfe of such threatens and affronts, without incurring the utmost rigours of the Law, and (which is worse) of his Matye's displeasure. And whereas the Petitioner is given to understand that the Earle of Devonshire hath informed his Maty, or some of his Councill, that a Pistoll was shott from the Petitioner's House, at the Lord Devonshire's Coach, the Petitioner doth affirme . . . that the sayd Pistoll was only shott off with powder, by her directions, when they were assaulting her House, to give notice to the Guard at St. James to come to her assistance, as she had been advised by the officer the day before to do on any such occasion; nor was it knowne to the Petitioner, or anybody within the House that the Lord Devonshire or his Coach was there, untill they were gone, and that the Neighbours informed them that they were the Lord Devonshire's footmen, and that there stood a Mourning Coach, and white Horses (which they supposed was the Lord Devonshire's Coach) over against the King's Head Alehouse, two or three Dores beyond the Petitioner's House.

His Majesty was pleased to order in Council that Mrs. Colepeper and her witnesses "attend Mr. Attorney General," who shall deal with the case. (British Museum Add. MS. 34727, fo. 155.)

The next scene in this drama occurred on 24 April, 1687, when, according to Lord Warrington, Lord Devonshire met Colonel Colepeper in the drawing-room at Whitehall, and asked him to go downstairs and give him satisfaction for the previous affront. This the Colonel refused to do, so the Earl struck him with his stick. Another authority says that the Earl took the Colonel by the nose, and "led him out of the room, and gave him some despising blow with the head of his cane." For this the Earl was summoned by Chief Justice Wright, fined £30,000, and imprisoned till he paid it. From this he escaped and retired to Chatsworth, "where," says Macaulay, "he was employed in turning the old Gothic mansion of his family into an edifice worthy of Palladio." Here he was pursued by the officers of the law, and imprisoned together with the sheriff, till he gave a bond for the fine, the enforcement of which was to depend on his future conduct.

Foss says that Wright described Lord Devonshire's offence as "next door to pulling the king out of his throne." The fine was considered as out of all proportion to the outrage, and after the accession of William and Mary, Wright was brought before the House of Lords, and his judgment declared a breach of privilege. He was thereupon sent to Newgate, where he died. The late Duke of Manchester, in *Court and Society*, Vol. 2, pp. 288-9, says that the Earl of Devonshire's mother held bonds from the Stuart monarchs for £60,000, advanced by the Cavendish family in evil days. With these she tried to set her son free, but James II refused, he was glad to have Devonshire at

his mercy, and only gave him his liberty when he entered into an undertaking to pay the fine when called upon. This undertaking James left behind him, and it fell into the hands of William III, who surrendered it to Devonshire with the patent of a duke.

The last act of the drama is thus recorded by Luttrell:—

1 July 1697. Yesterday the Duke of Devon meeting Colonel Colepeper at the auction house in St. Albans Street, caned him for being troublesome to him in the late reign.

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That Mr. Edward Fenwick should claim to be Lady Grosvenor's husband on the strength of a ceremony performed by his brother in the bedroom of an hotel in Paris, that he should come to London and attempt to seize her property and evict her tenants, was strange enough; still, within the bounds of possibility in these times: but what does seem absolutely incredible is, that whilst the lady is being defended against this surprising imposition, another gentleman should come forward, also claiming to be her second husband, prior to Mr. Fenwick, on the strength of a ceremony said by him to have been performed in some place not named, by a minister not specified, before witnesses unidentified, and that this claimant should be no other than the undefeated Colonel Thomas Colepeper, "with daring aims irregularly great." Yet there it is, in his own handwriting, among his voluminous memoranda in the British Museum. The Colonel's note books are encyclopædical and astonishing. The 17th century was the age of comprehensive learning, as one sees in the folios of Father Kircher. Colepeper's collections of *Adversaria* fill about twenty

volumes of manuscript, and are arranged alphabetically; but as he had the habit of using both sides of the paper, one is startled at times to find portions of a treatise on longitude at the back of a petition about his marriage. I give a few items under the letter C to illustrate the sort of stuff he collected:—Char Fish, Copperas, Canibals, Caviare, Chemistry, Chickens, Water Clocks, Cheese, Crocodiles, Camphir, Caterpillars, Camels, and Chocolate. Under the letter G we get Greenwich, Gangrene, Garnets, Goodwin Sands, Gout, Gloves, Gilliflowers, Gibraltar, Garlic, Gravel, Gyants, Grasshoppers, Glisters, Gravesend, Geese, Gourds, Ginger and Gooseberries! He cast his net over a vast ocean of information, and must have dragged some useful stuff ashore, or he would not have been made a Fellow of the Royal Society.

Amongst this huge mass of *Adversaria* are petitions, and rough drafts of petitions, to the King, the House of Commons, the Lord Chancellor, etc., for assistance to recover his wife, the widow of Sir Thomas Grosvenor, from the hands of her enemies. Besides these there are a number of questions on the subject, which he evidently hoped to put to friendly and hostile witnesses in legal proceedings; also a rough diary connected with the story of Lady Grosvenor's supposed re-marriage. The scattered and fragmentary character of these petitions, and their variety of form, renders it impossible to do more than select a few quotations, preserving the sequence of the story as much as possible. Here and there I have pruned their excessive tautology.

The Colonel pleads that in October, 1700, he was

married to Lady Grosvenor, according to the usual form observed by the Church of England. And that after the said marriage

Your Orator expressing great joy and satisfaction therein, and being very merry and in good humour, your Orator's wife said unto your Orator, My dear, I have now done that which you so long desired, and, as you say, filled your heart with joy, will you now oblige me in granting my first request, which will absolutely assure me of the sincerity of your love for me? And your Orator, promising to do anything for her or her's that she should desire, she besought your Orator to conceal the said marriage with your Orator, because, as she alleged, being done so soon after her husband's death, it might occasion some discourse that would neither please her nor your Orator, which your Orator, being willing to please and gratify your Orator's said wife, promised to do.

After which time your Orator's wife said, My dear, the taking my children from me hath been a great grief and affliction to me, and hath so much impaired my health, that you will lose your dear angel wife, as you call me, if you do not give me leave to travel into France to recover my health. And thereupon, your Orator, who could refuse his said wife nothing that she desired, said, My dear angel, you shall go, and I will wait upon you to guard and defend my Paradise. But she said, My dear, if you go with me we must either divulge our marriage, which you have promised me to conceal, or I shall be exposed to the scorn of the whole world for taking a gallant along with me, who hath been suspected to have been in love with me for many years. And your Orator being unable to refuse his dear angel wife any thing that might conduce to the recovery of her health, did permit her to travel beyond the seas.

And your Orator further sheweth that your Orator's said wife, in order to prepare herself for the journey, repaired to Her Grace the Duchess of Norfolk, who is a princess of great wit and judgment, and begged her Grace's advice whether she should take her plate or vessels of silver with her, or provide plate there; and whether she should take a cook with

her, or take such victuals as she should find ready prepared in the places through which she should pass. Whereunto the said Duchess replied, that as to her plate, although she was to pay no customs for transporting the same, yet the charge of carrying it with her, would cost as much as hiring the same quantity in France, and by leaving her plate in England, she would not only be delivered from the danger of its being broken or spoiled, but also from the danger of thieves, which might occasion the loss of her person as well as her plate. And as far as concerned her diet, she advised the Orator's said wife to carry a cook, or take one there, because she, being accustomed to good tables, would not be able to eat such meat as she would find there. Whereupon your Orator's said wife, said to one Fenwick, a Romish Priest, who she intended to take, Look you Mr. Fenwick, how freely I am served, you made me pay custom for transporting my plate, which I ought not to have done. But the said Fenwick, the priest, having a design to rob and poison your Orator's said dear angel wife, replied that there was necessity to pay custom for the plate, and that he would nourish your Orator's said wife and her servants for half-a-crown a day.

And your Orator's said wife began her journey the 18th of October, 1700, and in order to accomplish their said devilish design, so soon as your Orator's said wife was landed in the kingdom of France, the said Lodowick Fenwick, the popish priest, removed and displaced all your Orator's wife's servants, and placed others who were related unto him, and his said brother Edward Fenwick. And your Orator's wife being in a foreign and popish country, and surrounded with popish and treacherous servants, could obtain no redress in justice against a popish priest.

And the said Edward Fenwick, by the aid and assistance of the said Lodowick Fenwick, intercepted all the letters that your Orator wrote unto his wife, and also all the letters your Orator's wife wrote to your Orator, and having cheated your Orator's wife of all money, plate, and jewels, compelled your Orator's wife to enter into bonds of a very great penalty for the payment of divers sums of money, pretended to be

lent unto her by Sir Daniel Arthur, a merchant in Paris, who having been accused of the murder of King Charles 2 was fled from justice.

And the said Edward Fenwick obtained or counterfeited letters from King James 2 signifying he desired that your Orator's wife should embark at a certain port, and go to Rome. And then the said Edward Fenwick, who held a correspondence with the Sally pirates, gave intelligence to the Sally men of war, then in open war with his Majesty, of the time and place your Orator's wife should embark herself, but your Orator's wife refusing to embark at the place appointed, that wicked design was frustrated and overthrown. Nevertheless, the said Edward and Lodowick Fenwick wrote divers letters to Mrs. Tregonwell and Mrs. Seymour, and caused it to be inserted in the *Post Boy*, that Lady Grosvenor was taken by the Algerines as she was coming from Rome, and that they demanded a £10,000 for her, and though Lodowick Fenwick knew your Orator's wife was not taken by the Turks, yet he earnestly desired Mrs. Tregonwell and Mrs. Seymour to send him a £10,000, which he intended to cheat them of, and share with his brother.

And your Orator further sheweth that being exceedingly grieved at the report that your Orator's said wife was taken by the Turks, your Orator, on or about the 20th day of March, 1701, exhibited his petition to the King's most excellent Majesty. And the like petition your Orator presented to Mr. Harley, then Speaker of the House of Commons, who told your Orator it was a matter of State, and advised your Orator to acquaint the Secretary of State therewith. And on or about the 21st day of March, 1701, your Orator going to Sir Thomas Hodges' house in Duke Street, Westminster, who is one of the principal Secretaries of State, in order to obtain some relief to his said petition, about eight of the clock in the night, your Orator was robbed of a beaver hat, and a hat-band set with precious stones, and in danger to be murdered, before and near the Secretary's door.

And your Orator further sheweth that Isabella Viscountess Strangford, sister unto the Right Honourable Henry Earl of Romney, and also cousin-german and half-sister to your

Orator, having been robbed of all her goods at sea, and your Orator having thereupon lent unto the said Philip Viscount Strangford the full sum of £1,000 in that extremity, (which is still owing unpaid to your Orator), your Orator agreed that the said Earl of Romney would have forwarded your Orator's said petition to His Majesty the King.

And your Orator seeing that he could obtain no relief from the two petitions, applied himself to the Count de Tallard, Ambassador from the King of France, who promised your Orator that the King of France should take your Orator's wife into his royal protection, and send to his ambassadors residing in the Grand Seignior's Court at Constantinople, and to all his agents residing in all the Courts of the Princes and States in Africa, to demand your Orator's said wife, and in case they should refuse to deliver your Orator's said wife, that then the King of France should send order to all his ships of war and galleys in the Mediterranean Sea, and elsewhere, to take the ships and vessels of such Prince or State that had taken your Orator's said wife, and should refuse to deliver her. And that the King of France should prevail with the King of Spain and all other allies to do the same. And the said Count of Tallard did also lend your Orator £10,000 sterling of the King of France's Treasure. Your Orator thereupon immediately sent bills of exchange to your Orator's wife to receive on the Bank of Venice, such sum or sums of money, not exceeding £10,000, as your Orator's said wife and by any order signed by her own hand should have occasion for, and think fit to take up.

And your Orator did also send unto his wife letters of credence to the Ministers of his Imperial Majesty Joseph, King of the Romans, the King of Spain, the Duke of Saxony and Tuscany, the State of the Republic of Venice, Genoa and Lucca, whom your Orator had rendered considerable services to, to take your Orator's said wife under their royal protection, and that she might be respected in their several kingdoms and dominions.

And your Orator did also write to the Ministers of most of the Kings and Princes of Europe, Asia and Africa, who your Orator hath had the honour to serve in affairs of great

consequence, such as the conquest of the kingdom of the Moors, and the taking of several cities, towns, and castles, to take your Orator's dear wife into their royal protection, and that she might be preserved in their several kingdoms and dominions, through which your Orator's said dear wife should happen to pass.

There is something exhilarating about the Colonel's theme, that begins humbly among the Duchies of Saxony and Tuscany, and the republics of Lucca and Genoa, and soars upwards with an expanding crescendo to most of the kingdoms of Europe, Asia, and Africa. Still, one cannot help wondering how much Colepeper knew of Lady Grosvenor before he ventured on this last lofty flight of imagination. It is difficult to believe that he put forward such a claim as a total stranger, as the last toss of the needy adventurer. He employed counsel to appear for her before the Court of the Dean and Chapter of Westminster, to the embarrassment of her own legal advisers. He seems also to have prepared the following notice to serve on her tenants, "This is to give you notice that you are not to pay any rent but to myself or to my Lady Grosvenor, at your peril, dated this . . . of September, 1701. Colepeper." I think when he tackled the lawyers he used her name, and only expanded his imagination in petitions that probably never reached their destination. Among his questions prepared for witnesses is one for his half-brother the Earl of Romney, in which he asks, "Did you deliver the said petition to the King's Majesty, or have you the same still in your custody, or know where the same is?" showing he was not sanguine about delivery.

It may be assumed that the Grosvenor and Fenwick story became the talk of the coffee-houses. She would be remembered as the heiress of "ould Awdeley," and the tragedy occurring so close to St. Germain's, with a henchman of James the Second's Court, would have a sort of glamour about it among the Jacobites.

Then again Colepeper lodged in Tuthill Street, which lay within a short distance of Lady Grosvenor's Millbank property, and all sorts of gossip must have been rife in the neighbourhood about the wealthy widow's dilemma. He was intimate, too, with the Duchess of Norfolk, who was Lady Mary Mordaunt, daughter of Lord Peterborough, who occupied Lady Grosvenor's large house at Millbank. There is a letter from the Duchess to Colepeper dated from Drayton saying, "Dow you here nowthing of Lady Gravenor, pray writ us all the news."

The Colonel evidently went about the town picking up bits of information about Lady Grosvenor's travels. He records :—

On Monday the 21st April, 1701, Colonel Colepeper was with Mistress Selby, a mantua maker, who lives in Leicester Street, now Lyle Street, and whose sister waited on my Lady Grosvenor in Italy. She seemed to be very little concerned for the news that my Lady Grosvenor was taken by the Turks, though her sister was taken with her. She told the Colonel that she had not heard from her sister since Christmas last, and that one Lady Garrat had received a letter that my Lady Grosvenor was safe at Rome, but that she would not show her letter, nor tell from whom she had it. This is very suspicious, for the Moor's Ambassador hath lived in Lyle Street within two doors of my sister Holderness, long before

my Lady Grosvenor went from England, and in sight of Mistress Selby's house.

He passes on then to Mr. Lloyd, "An Indian gourd-seller, who lives at the Erasmus Head in the Strand," and has a talk to him.

Again, he himself describes what happened to him when Lady Grosvenor returned home from France in July, 1701 :—

And your Orator's said dear wife, coming to her house on the Horse Ferry, on Monday the 7th of July, 1701, your Orator desired to see his said wife on Tuesday the 8th of July, but she excused herself, and therefore your Orator on Tuesday went to see his said dear wife, and being informed that she was not then at home, but was expected to come home presently, your Orator went to Mr. Lowder's house some few doors from your Orator's wife's house, desiring that they should come and call him when your Orator's said wife came home. And within half-an-hour after the said Mrs. Seymour's footman came and told your Orator that my dear wife had sent for me, and thereupon your Orator went to the said dear wife's house, now belonging to your Orator, and desired to see his said dear angel wife. But the said Mrs. Seymour told your Orator that she was exceedingly discomposed with the said news of her marriage by the said Lodowick Fenwick, which she absolutely disowned.

The whole thing seems to have been the last flare up of a disordered mind. The Colonel suffered from what is now called a swelled head. To have been employed as an engineer in the Ordnance Office at £100 a year, is exaggerated when he writes to the Grand Duke Savoy, into his being "Engineer General to the King of England." From his petitions one might imagine

that monarchs and states were under obligations to him, that fleets were at his disposal, and huge sums of money within range of his finance. There is apparently no limit to his powers and prowess. He makes propositions to the King in which he says he is prepared :—

“First to enable every ship in his Majesty’s Royal Navy to burn ten or twelve ships a piece without being hurt or consumed themselves, but shall always remain in the state and condition of a Man of War, and fight better than any ship of her rate ever could do before, after she has wrought the effect of a fire ship, and has burnt or destroyed ten or twelve ships.”

“I will make every one of the King’s towns and castles impregnable against the greatest army, having also bombs and carcasses, without any addition to their fortifications, by enabling a garrison of 300 men to shoot more shots than can be done in the same time by 15,000 men, and shall beat the greatest army, from their cannon, bombs and carcasses, and free all towns from the danger of bombs and carcasses, which are now the most dreadful things in the world.”

In the Calendar of Treasury Papers there is a petition from Colonel Colepeper to the Lord High Treasurer which is so complicated and confused and deals with such huge sums of money that I am not surprised the permanent official endorsed the document enclosed with it “The petitioner is mad.” With this is another petition from the Colonel to the Queen in which he says he owed the Crown many thousands which he could not pay until divers persons who owed him £157,000 paid him. He has discovered that this amount was in the Queen’s hands and prays it might be sequestered.

Unquestionably his intellect gave way. He had all along been eccentric and quarrelsome, as we see from

his brawl with Lord Devonshire, and as I imagine we also see from the *Journal of the House of Commons*, 7 March, 1662, when complaint was made that "Mr. Thomas Culpeper, of St. Stephens," had assaulted "Sir Abraham Cullen, a Member of this House; Ordered, That the Serjeant at Arms . . . do apprehend, and bring in Custody, the said Mr. Culpeper; to answer his said Breach of Privilege." On March 11 it is ordered, "That Mr. Culpeper be discharged of his Commitment to the Custody of the Serjeant at Arms; paying his fees." There is also a record in Skinner's *Cases in the King's Bench Court*, 1728, p. 123, of a suit between Sir John Austin and Colonel Culpeper, who I think must be our hero, in which the Colonel forges an order of Chancery, wherein were several defamatory expressions against the plaintiff; and at the end of it he draws a form of a pillory, and subscribes against it, "For Sir John Austin and his foresworn witnesses by him suborned"; and this he delivers to the plaintiff's clerk in Court, and publishes it; whereupon the plaintiff brought his action *sur case*, and had a verdict and £500. That the Colonel suffered from a crack which sometimes let the light in seems plain from a perusal of his papers, and the fact that he was elected Fellow of the Royal Society 28 May, 1668. That he also suffered from lack of self-control is shown by the fact that he was "expelled" from the Royal Society, 18 November, 1675. He petitioned Queen Mary's Most Excellent Majesty, telling her that when he was "Engineer General of England" and constantly attending upon the royal person of King Charles the Second, your Majesty's "Royall Onkle,"

he "observed that the bouys placed in the sea to advertize seamen of rocks and sands, could not be seen in the night, and therefore were of no use nor benefit in dark tempestuous nights when there was most need of them: And therefore your Petitioner invented a way to place a light upon Goodwin sands, being the most dangerous place in England." (Add. MS. 28094, f. 127.)

Nevertheless "his helmet had become a hive for bees," which hummed very loud but made no honey. He lodged at the "Green Dragon," called in one letter "An Apothecary storers," and in another "An Upholsterers shop," in Tuthill Street, at the end of Dartmouth Street, Westminster. In 1708 he petitioned Queen Anne saying that Charles II had granted a pension of £500 a year, to be equally divided between himself and Anne Charlotte, Lady Frescheville, to begin at the death of Lord Frescheville. That the Queen has bestowed a grant on Lady Frescheville, but that he has had nothing and is in great distress, and has been "desperately sick" and in bed since 9 Dec., 1707, "and must perish for want of food and necessaries, all his money being gone." In December, 1708, he died, and somebody came in and collected the huge mass of manuscripts that eventually reached the British Museum.

When the orbits of these two tragic comedians coincided, the Colonel was 63 years of age, a needy, broken down, flighty remnant, and Lady Grosvenor herself was in a fairly irresponsible condition of intellect. A pathetic couple, one unhinged by wealth, the

other by poverty, but both possessed by the demon of dignity, she babbling of Princes and Cardinals, and he drivelling about doughty deeds for Grand Dukes. What contests they must have had, playing out their respective court cards, she calling two pairs, and he capping it with a full hand!

THE DELEGATES

PEOPLE sometimes wonder why three such incongruous subjects as Probate, Admiralty, and Divorce, have come together into one Court. It happened thus. In early days the King's Court dealt with disputes concerning the rights of persons and property, whilst disputes about wills and matrimony were dealt with by Ecclesiastical Courts, from which before Henry VIII there was an appeal to Rome. "For the Spiritual Judges' proceedings," wrote Lord Coke (2 Inst. c. 22), "are for the correction of the Spiritual inner man and pro salute animæ to enjoin him penance." After the break with Rome, the Civil government gradually absorbed the whole legal jurisdiction of England, and the bishops ceased to act as guardians of probate or judges in matrimonial disputes, although the name of the Prerogative Court of Canterbury still survives at Somerset House. As probate and divorce belonged neither to Common Law nor Equity, these drifted with Admiralty into a place apart. At the time about which I write the Civil and Ecclesiastical jurisdictions were not completely separated, and bishops still sat with Civil judges in the Court of Delegates, so called because they were delegated by virtue of a Commission from the Crown. This Court was the Ecclesiastical Court for hearing appeals to the King in Chancery, brought from an Archbishop's Court for "lack of justice" in that Court (25 Hen. 8.

c. 19. A.D. 1533, when appeals to Rome were finally prohibited).

Upon the subject of marriage, the Spiritual Court had the sole and exclusive cognizance of questioning and deciding, directly, the legality of marriage; and of enforcing, specifically, the rights and obligations respecting persons depending upon it. But the Temporal Courts had the sole cognizance of examining and deciding upon all temporal rights of property; and so far as such rights are concerned they had "the inherent power of deciding incidentally, either upon the fact, or the legality of marriage, where they lie in the way to the decision of the proper objects of their jurisdiction." For this see the opinion of the judges in the *Duchess of Kingston's case* A.D. 1776, where it was held that a sentence in the Spiritual Court against marriage did not stop the Crown from proving the marriage in an indictment for polygamy. (Smith's *Leading Cases*.)

The Court of Delegates sat in Doctors' Commons, near St. Paul's, till that was burnt in the fire of 1666. Seymour says that "the habits they use in Court, both Judges and Advocates, are a scarlet robe, and a hood lined with taffata, if they be of Oxford; if of Cambridge, white miniver, and round caps of black velvet." Into this Court, held in Sergeants Inn, Fleet Street, during February, 1705, came the cause of *Grosvenor versus Fenwick*, on appeal from the Court of the Dean and Chapter of Westminster. On 5 May, 1704, Francis Cholmondeley wrote to young Sir Richard:—

"I hear my journey to London in the close of this month will be very hazardous, for then the tryal and decision of

your unfortunate case which will then be determined, in the Delegates, of which we have no reason to doubt of success. I cannot transferr my trust, I'll trie my utmost, before it shall suffer, and I trust God will sustain me in so just a design, as to detect the greatest villainy and treachery as ever was committed."

On this occasion the Bench was composed of four bishops and five judges, with whom were six Doctors of Laws. Among the ecclesiastics was Henry Compton, Bishop of London, son of the Earl of Northampton, a man who had experienced an adventurous career in exciting times. He was first a soldier, but at the age of 30 took holy orders, and was rapidly promoted. He had much influence in the Court of Charles II, and was a bitter anti-Catholic, which set James II against him. When James came to the throne, and claimed power to repeal the Test Act, Compton boldly told the House of Lords that the Constitution of the kingdom was in danger. Forthwith James II opposed him, and eventually he was suspended from the exercise of all episcopal functions. In 1687 he communicated with William of Orange, and signed the invitation sent to him. In 1688 "he was in frequent communication with his old pupil Princess Anne, who was residing at Whitehall, and, in order to detach her from her father and her father's fortunes, readily agreed to assist in her secret flight from London. With the Earl of Dorset he conveyed her in a carriage to his official residence, London House in Aldersgate Street, and thence with forty horsemen to Nottingham. There the Earl of Devonshire offered her an escort of two hundred volun-

teers, and Compton readily accepted the offer of the colonelcy of the regiment. In full military costume he marched at the head of his little army to Oxford, where he made his appearance to the consternation of the inhabitants, "in a blue coat and naked sword," preceded by a standard bearing the motto "*Nolumus leges Angliæ mutari*" (*Dictionary of National Biography*). After this he crowned William and Mary, was restored to his See, and ultimately left the Whigs and joined the Tories.

Along with Compton sat Thomas Sprat, Bishop of Rochester, and Dean of Westminster. They knew each other well, for Sprat sat on the Commission appointed by James II to try Compton for contumacy. By what right Sprat sat as judge in a Court of Appeal from his own Peculiar Court at Westminster does not transpire. And with these were George Hooper, Bishop of Bath and Wells, and William Nicolson, Bishop of Carlisle. The judges were Sir Edward Ward, Chief Baron of the Exchequer; Sir John Powell, Sir John Blencowe, a judge of the Queen's Bench, of whom Foss reports, "an honest, plain, blunt man, who outlived his faculties and conceived that he had discovered the longitude"; Sir Thomas Bury and Judge John Smith, both Barons of the Exchequer. Of Powell, Foss relates:—"When Jane Wenham was tried for witchcraft before him, and charged with being able to fly, he asked her whether she could fly, and, on her answering in the affirmative, he said, 'Well, then, you may; there is no law against flying.'"

The only records we have of this appeal are the

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depositions of witnesses and most beautifully written instructions for counsel. The evidence submitted to the Court was given in writing, and the process was a long one, as each side was allowed to question the opponents. Several witnesses deposed to the Delegates who did not appear in the Queen's Bench trial, both the Fenwicks, for example. They deposed to the marriage being performed on June 18. Francis Radclyffe admitted he "hath supplied the said Edward Fenwick with severall hundred pounds . . . but he has a security for the same from a person of honour to pay the same, in case the said Edward Fenwick be not able." One important item of fresh evidence was deposed by Robert Questel, a footman at the Hotel Castile, who testified that on the morning of the 18th, the day of the supposed marriage, Father Fenwick left the house early, having charged Questel carefully to guard the door of Dame Mary's room, and that he never left till the priest came back during the afternoon. He also deposed that Father Fenwick sent him on the morning of the 17th for a chirurgion "accordingly he fetched one, Chevalier, who that morning let the said Dame Mary blood, and took from her three porringers . . . and she fainted away, and seemed weak after it . . . and the said Dame Mary was blooded again the like quantity . . . upon Monday following."

Besides this there was a deposition by Ann Bracey to this effect:—

"That in the year 1701 when my Lord Manchester was Ambassador in France, this deponent was sent for to the Lady Grosvenor's lodgings, and being come there, she was con-

ducted into the said lodgings by Lodowick Fenwick. That as soon as the said Dame Mary saw him, she came running from the bed-side to the said Lodowick as if she had been going to strike him, and called him a wretched man . . . and when the said Lodowick was withdrawn out of the room, the said Lady desired her to go to the Ambassador to desire his protection; and when she came out of the room she met the said Lodowick, who desired her not to go to the said Ambassador, for her message to the said Ambassador was to strange her religion, and if she meddled with any such thing she would be murdered or have her throat cut in the street, and therefore she would do better to stay in the house so long as that the said Lady might think she had been there, and then she might tell her my Lord was gone to Versailles, which she did accordingly."

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On 19 February, 1705, the Court of Delegates pronounced the following sentence :—

"The Court, having heard, seen and understood, and fully and deliberately discussed . . . the merits and circumstances of a cause of appeal and complaint (which in the first instance was a suit for restitution of conjugal rights) brought before us by Dame Mary Grosvenor, relict of Sir Thomas Grosvenor, late of Eaton, Co. Chester, deceased, of the one part, the appellant, and Edward Fenwick, gentleman, the defendant, of the other part, finds that the cause of the said Dame Mary as set forth in her appeal, etc., remaining with the registrar of the Court, has been established, and that of the said Edward, as set forth in his libel, etc., likewise remaining with the registrar, has not been proved, wherefore the said Court decrees that the said Dame Mary shall be absolved from all claim set forth by the said Edward in his libel abovesaid, and that silence shall for ever be imposed on him touching the same."

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It must have been a sad day for the Inns of Court when the Delegates annulled the bogus marriage. One

can picture Sir Thomas Powys and the opposing counsel Mr. Conyers, strolling gloomily along Fleet Street from Sergeants Inn, condoling with each other on their separation after so many years of remunerative opposition.

At the end of the briefs used by counsel in the Delegates is the following memorandum:—"They will insist that they have obtained a verdict against us at law, but that verdict was not only against the opinion of the Court, but of all the standers by, and even against the expectation of their own Counsel, and they themselves have been so jealous of it, that they have not taken the possession of the lands recovered by that verdict, even to this day." This refers to the verdict of the Queen's Bench jury in 1703. Another memorandum says that if they do try to take possession upon this verdict, "we shall be at liberty to bring our ejectments to recover." There must have been some uncertainty or Fenwick's lawyers would have taken possession. Perhaps they waited hoping to have the marriage confirmed by the Delegates, mindful of the Italian proverb, "We won't say four till we have them in the bag." Possibly also the whole aspect of Fenwick's cause may have been changed owing to the death of Francis Radclyffe, which occurred in October, 1704. Anyway this trial raises a very interesting legal question, for it shows that the power of the Ecclesiastical Courts was able to override the verdict of the Common Law Court at that time, or at any rate to make clients hesitate to try to recover.

Among the MS. at Welbeck (Vol. 4, p. 166) is a

News Letter, dated 20 February, 1704-5, which states :—

“The validity of the marriage between Mr. Fenwick and the Lady Grosvenor having been for several days hearing before the Delegates at Sergeants Inn in Fleet Street, last night the same ended, and the court gave it in favour of the Lady against Mr. Fenwick, it appearing that she was not, according to the proof made, *compos mentis* at the time of the pretended marriage in France, so that the same is null and void and Mr. Fenwick has lost his expectation of a rich bride” . . . “The Delegates were almost unanimous in the case of my Lady Grosvenor . . . only four civilians of the six dissented; the four Bishops and five Judges were unanimous.”

When Francis Cholmondeley knew the verdict he wrote to young Sir Richard :—

“I trust this will find you very well . . . and that I may no way discompose you, I have so much time left for the post, as assure you by God’s assistance I have gained the point against the villainous’s act, as ever was perpetrated by the worst rakes in the world, and what was never known in any Court. You are all now freed from an insulting party, who I had to contest with. I ever refused any accomodation, because first, I should own the pretended marriage, which I thought and was of opinion, that it was a cheat, and very unfit to be owned by me . . . The best friend I have met with and the faithfulest, is the Master of the Rolls, Sir John Trevor . . . Pray write to him with all the acknowledgement of friendship and obligation you can.”

A little later, 1 March, 1705, Mrs. Tregonwell posted her congratulations to Sir Richard :—

“The maney has been before mee to wish you joy off your mother’s good success for which wee have all laboured,

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and I question not but will turn to your advantage; yet nobody has been so naturally concerned as myself . . . Tho I do not write so often as some of your friends yett there is none so much concerned as myself, and am glad to heare you improve so well as you do . . . with the servisis of your Uncle and all your Aunts to you, I conclude myself your Most affect : Grandmother, M. Tregonwell."

MRS. TREGONWELL'S APOLOGY

WHILE these legal proceedings were being brought to a close in London, it became necessary to provide for the custody of Dame Mary's person and property. A Commission was set up at Chester to adjudicate upon her mental condition, the writ being issued 2 March, 1705, and executed in the Cathedral Church in April. In the following month Mrs. Tregonwell and Francis Cholmondeley separately petitioned the Lord Chancellor for the care of the patient and her property. Mrs. Tregonwell based her claim on the fact that she was Dame Mary's "natural and lawfull mother." Mr. Cholmondeley's claim was far more elaborate, giving positive reasons in favour of his own guardianship, and negative arguments in opposition to that of Mrs. Tregonwell. He pointed out that he was related to Sir Thomas Grosvenor, was appointed by will trustee and guardian of the children, and had hitherto looked after them and their estates.

Another consideration was

"That Eaton House is a very noble structure built by Sir Thomas since his marriage, and stands in a good air near to the city of Chester, where there are physicians and all other accommodations answerable to most cities in the kingdom; and in the building and furnishing of this house, the Lady had the satisfaction of her own fancy and contrivance when she was in her right understanding, and was the place

where she took the most satisfaction in, it being amongst her husband's relations, and the place of her children's residence when from school, and under the inspection of the petitioner, for whom the Lady has constantly declared a great friendship and respect, as the best friend the family hath."

In contrast with this he enlarged upon Mrs. Tregonwell's heartless treatment of her daughter, when, for example, Dame Mary went to her mother's house for six weeks, prior to her travel in France, although Mrs. Tregonwell "knew of her indisposition," she "never took the least care to recover her or divert her, but permitted her to go thence, beyond the sea, and to travel with a Romish Priest, to France and Italy." Also, that when the priest's brother, under pretence of having married Dame Mary in Paris, came to London, ejected her tenants, and sued her for restitution of conjugal rights, her own mother, knowing she was incapable of defending herself, "never looked after her, or afforded her the least assistance to free her from this bondage." Nor would she "advance or lend one penny towards that expense."

Moreover,

"from the death of Sir Thomas Grosvenor until this time, Mrs. Tregonwell never made any enquiries after her daughter's condition, or ever took, or proposed to take, any means for her recovery . . . but the petitioner hath taken out a commission to secure her person from any future attempt, and her estate for her children; and now Mrs. Tregonwell would have the custody of the Lady's person, pretending she is the nearest by nature to look after her daughter, but it is supposed to be out of some sinister avaricious ends, for the reasons following, viz :—

This Mrs. Tregonwell was first the wife of one Mr.

Alexander Davies, who had a very great estate, and had issue by him the Lady Grosvenor . . . their only child, to whom his whole estate descended subject to the widdow's dower, who brought him but a very small fortune.

After the death of Mr. Davies she married one Mr. Tregonwell who was an extravagant man, and much diminished his estate.

Before Mrs. Tregonwell would consent to the match (though Sir Thomas was of an ancient family, and had an estate of his own of 4 or £5,000 per ann.), she prevailed upon him to promise and engage to seal a release in his marriage (vide the Agreement 9 Oct. 1677, being 10 days before the marriage), whereby the profits of the Lady's estate in that time were discharged unaccounted for, and also to allow her £500 per ann. for 2 years then to come, for the Lady's maintenance, whether she staid with her so long or not, it being likewise agreed that they should not cohabit together of two years from the marriage; and also Sir Thomas was to pay her and her friends £9,000 in money for her consent. . . . Mrs. Tregonwell hath many poor relations, and having not only 5 or 6 children by Mr. Tregonwell, but also several grandchildren who have but small fortunes, would seek to advance them by the Lady's, either by selling her again in marriage in some lucid interval, or by getting her in that interval to settle the lands of inheritance as Mrs. Tregonwell would have them settled, or at least presuming the children of my Lady would be tender in calling their grand-mother to any account; and in the meantime would get a considerable allowance for looking after the Lady, or by some other method would make an advantage by her, to prevent which is the only end of Mr. Cholmondeley's petition . . .

Whilst the Lady was in suit with Fenwick and the event uncertain, Mrs. Tregonwell refused, when requested by Mr. Cholmondeley, her grandchildren a night's lodging in the Christmas, when they came from Eton school, alleging she had no room, though Mr. Cholmondeley was willing they should be lodged in a garret; and if there were not room for two small children, how will the house be large enough for the Lady, her physicians, tenders, and servants? That Mrs.

Tregonwell is herself aged, and as such excused herself to take any care of Ann Grosvenor, her grandchild, being about four years old, being earnestly applied unto for that end by Mr. Cholmondeley."

What Mrs. Tregonwell looked like, and what she said, when a copy of Mr. Cholmondeley's petition was placed in her hands, is not related, but what she most fortunately did, was to compile an Apologia. Of this document there are two copies, one endorsed outside by her own hand, "An Account at the Marage of my Daughter Grosvenor," which is well written inside, and correctly spelt, by a superior scribe. The other, probably written by a lawyer's clerk, is endorsed, "Mrs. Tregonwell's pretended case." I give this document exactly as it is in the two copies, which both come to the same abrupt conclusion.

"Mr. Alexander Davies, about the year 1659, married a daughter of Dr. Dukeson's of St. Clements, Mrs. Mary Dukeson, at which time he had a very fair expectancy of a plentiful estate to come to him at the death of his Uncle Awdley, a man famous for wealth in those dayes: notwithstanding which expectancy Mr. Davies, rather chose to lett his wife have her chance of her thirds of the whole, than prevent it by any previous settlements; and when it came to him, as it did soon after, he was so farr from grudging her what the custome of the city entitled her to, and which without her consent she could not bee hinder'd of, that he then made a settlement of £100 per ann., in case she survived him, more than the thirds, as a token of the great love and affection he had for her, and express'd himself in the settlement accordingly.

The Estate which came to Mr. Davies from Mr. Awdley consisted in what was partly reall partly personall. The reall estate was to the Value of about 13 hundred and 50 £ per

ann. in present, and near 1,000£ per ann. in reversion, upon the expiration of some Leases. He was also suppos'd to bee entitled to 24,000£ personall estate or thereabouts, of which he never could after a great deal of law gett more than 4,000£ which happen'd to bee in his own hands at his Uncle's death : there also came to him a good house near St. James' park call'd Goring house, and other heriditaments of good value.

Mr. Davies in the midst of this plenty making full account that he should have at least 20,000£ to lay out turn'd his head to building, as what he thought the readiest way to improve his Estate and therefore bought a large run of ground lying to what is call'd the Mill bank and immediately engaged himself very deep in building ; and not reaching the money he so much reckon'd upon took up money at interest, and granted large annuitys and Leases and entangled his reall Estate to very great degrees : amongst other buildings he projected a very large house for himself to dwell in which by reason of its nearness to the water prov'd more expensive than he imagin'd.

About the end of the year 1664 his wife brought him a daughter which prov'd his onely child, the now Dame Mary Grosvenor, and the summer following, being the 2d July 1665, he dyed, and, leaving no Will, the Estate fell as the law in such cases directs ; that is to say his relict was entitled to the thirds of the whole estate as well in reversion as in possession, together with 100£ per ann., by virtue of the aforesaid settlement, to come out of the other two thirds. And so it prov'd that what with a rentcharge of 400£ per ann. to Mr. Plummer and many other incumbrances of several sorts there did not anything remain at present for the maintenance of the infant much less wherewith to pay debts, or carry on the many buildings then in hand.

Tho' this was the ill condition of Mr. Davies's affairs at the time of his death, yett this being known but to few, and there being a very plentiful estate so lately left him, his Widow was look't upon to bee in great plenty, and the daughter as an heiress to the value of 40 or 50 thousand

pounds, and since in time she might so prove it was no one's business or interest to contradict such reports.

But the Widow beeing very young and unacquainted with Mr. Davies's affairs, finding things extreamly involv'd did the more easily hearken to proposals made her by several for a second marriage and by her friends was advised to accept of Mr. Tregonwell a Gentleman of an ancient good familie, of a competent Estate in Dorsetshire known to bee a man of honour and good understanding and a Member of Parliament which last qualification considering the circumstances of the Estate might and did prove of good use : Mr. Tregonwel the better to disentangle the Estate and prevent the buildings falling for want of finishing, and make them produce some rent gott an Act of Parliamt for the sale of lands, which Act expresses the Occasion of it and the uses to which the money rais'd by it was to bee putt.

And whereas Mr. Davies had begun a great house for his own use which not beeing yett cover'd when he dyed Dr. Dukeson had so ffarr taken care of at 200£ expence as to prevent it's suffering by the Weather, Mr. Tregonwell resolves to venture the laying out his own money in finishing and building out-houses and making handsome gardens and expended 2,000£ onely upon a sort of security from Mr. Wm. Davies the next heir in remainder after the Infant : obliging himself to pay him 40£ per ann. rentcharge at present, upon condition that in case the young heiress should dye and the estate descend to him he would allow him his charges and what it would bee needfull for him to expend yearly in her maintenance which was agreed should bee 200£ per ann. And the child had in the Nursery and so on as she grew up nurses and servants and an Ant as an inspector or Governess, and all things else in proportion to the fortune she was suppos'd to bee born to, and which in some years by that time she should bee marriageable was evident she would bee, notwithstanding all the aforementioned intanglements and incumbrances.

Thus, by degrees and by these means things began to settle. Mr. Tregonwell liv'd in the great house and for the credit of the Minor and partly for her benefitt kept 6 horses

to his coach which she was to have frequent use of to take the air and all things were carried on with an air of greatness answerable to the fortune she was suppos'd to have, and in 7 or 8 years time several matches were propos'd tho' she wanted some years of being capable so much as to consent. Among others the Lord Berkley very earnestly press'd to enter into Articles for a marriage with his son in case when she came to bee 12 years of age she should consent. Whereupon he was lett into the knowledge of all the circumstances of the Estate, and the heir in remainder being taken into the agreemt and his rentcharge during life made 120£ per ann. to join in the contract and make good the Articles; and upon a fair computation made of what was then due to Mr. Tregonwell from the Estate partly for finishing the house, partly for the 200£ per ann. maintenance, and partly what had been payd to the Heire in remainder for his contingent right the Lord Berkley was to deposite 5,000£ and accordingly did pay the same to Mr. Tregonwell, taking security for the repayment of it in case the young lady should not consent when she came to bee 12 years of age: at the same time his Lordship undertaking by that time to have £3,000 per ann. in land ready to settle upon his son.

All things beeing thus transacted openly and above board, all relations concurring and judging things to have been done for the best in the Minor's behalf and the city to whom the guardianship did of course belong not in any sort interposing or dissenting much less obstructing as wee may reasonably suppose would have been, had anything at that time look'd in any degree unfair; there was all the appearance that could be that this early contract of marriage was a done thing and nothing likely to prevent it's taking effect.

But so it happen'd that things not succeeding with Lord Berkley at Court as he expected he found himself altogether unable to purchase the 3,000£ per ann. which he had undertaken to have ready and therefore very honourably gave timely notice of it and desires to have his 5,000£ hoping no advantage would bee taken of him since it was not his fault but his misfortune, and that therefore he might also

have interest for his money tho' in strictness he could not demand it, the match breaking off on his side.

Mr. Tregonwell acting alwayes upon honourable principles and consulting the reputation of the young heiress, for whose credit he thought it would not bee to have it said that 1,500£ (for so much the interest came to) was gott from a Noble Lord and to the damage of his familie for having been too early in desiring to marry his son to her, was willing to doe his part towards the procuring as well the interest as the principal for his Lordp in the disposal of the heiress to somebody else.

In the meantime to prevent her being stol'n, she being near 12 years of age, carried her himself into France and her Ant Mason with her who had never been from her from her cradle; and having placed her safe came back to look out some proper match for her, where insted of wanting money there might bee money to lay down wherewith to sett her estate free, and there beeing just about that time an estate at the Neat-houses fallen in and other rent charges off she was become so good a fortune as the necessary condition of paying 6,500£ to Lord Barkley became no hard Article especially considering that by means of the heir in remainder it was so contriv'd that whoever married her was sure of 1,400£ per ann. whether she lived to confirm it or not.

Among the many offers that were made Sir Thomas Grosvenor's circumstances familie and character appear'd to bee most suitable, and accordingly a treaty was enter'd into, and he and his friends had the whole matter laid before them and 6 weeks given them to consider of it. The Occasion of the debt upon the heiress being then known to bee just and nothing of fraud in the matter, it was made no secrett but all the world knew that whoever married her was to lay down such a summe. It was not to goe into Mr. Tregonwell's pockett but to repay my Lord Berkley. This was upon due deliberation and good advice taken, accepted and all things were concluded.

True it is that It having been known as not conceal'd in the least by Mr. Tregonwell or anyone that so much money was to bee paid by whoever had the Lady, such as were

ignorant of the Condition the Estate of the heiress was left in by Mr. Davies, might bee apt to imagine that Mr. Tregonwell was to have the money as a perquisite to himself and a part of the advantage he might propose to himself by marrying the Mother; (this beeing the way some men have taken to improve their own fortunes) and this imagination may have been transmitted down as believ'd by some, and has of late been made use of to the prejudice of Mrs. Tregonwell in open Court. But very certain it is that Mr. Tregonwell was so farr from making any advantage of his trust, the Citty leaving her to him as they found him to bee a man of honour that upon the whole matter his children have reason to believe it onely putt him upon living so much higher to their disadvantage and that he was farr from making any profit of Miss Davies from the day he married the Mother to the day he gave her to Sr Thomas Grosvenor in marriage, or after.

And as Mr. Tregonwell's spirit was above doing anything that was mean, so is the wrong done to Mrs. Tregonwell still so much the greater when she beeing femme covert had it no way in her power to prevent her husband's making any underhand advantages had she found him any way inclined thereto: the entire affection she always bore to her daughter both for her own sake and for the sake of her ffather who had been so generous to her, the principles of justice and honour instil'd into her from her cradle, and the whole conduct of her life should, one would think suffice to screen her from any such imputation, and yett so it is that some have maliciously suggested that she join'd in selling her daughter at a certain price, and make several unfair advantages of her.

This being said of the 6,500£ paid down, it may not bee amiss to take notice of one The annual payment of 50£ per ann. agreed to bee made and a bond given by Sir Thomas Gr for the performance of it, and that is 50£ per ann. to Mrs. Mason for her life stands upon the following inducements and reasons. The care Mrs. Mason had taken of her Neice from the cradle to her marriage having never been from her but most tenderly nursing her in time of sickness and going into France with her and having in all respects

deserved as well from her as any one in her station could doe. Nothing is more common than where there is so large a fortune to give such a person a suitable reward when they part : and "

Mrs. Tregonwell sent a copy of this Apologia to her grandson, Sir Richard Grosvenor, and received from him the following suitable rejoinder :—

Madam,

Eaton, 7 Feb. 1708.

I have the favour of yours, attended with a long narrative of the transactions of our families before I was borne. I am sorry you was soe farr prevailed upon in giveing yourself the trouble of drawing it up, being resolved not to intermeddle with anything that may occasion the least misunderstanding betwixt us. I am sorry there happened to be any controversy about the Guardianship of my poor Mother, and that you gave yourself the trouble in appearing in it. I am sure it occasioned a great deal and needless expence, and I cannot but think, by reading of some affidavits that were produced on that hearing, that the Court very justly decreed the Custody to an honest Gentleman, who, not only appeared a true friend to my Mother (when she wanted), but got her many others, and adventured his health, his person, and his Purse too, to rescue her from a most ruinous desseigne, when she had noe other friend that would joyne with him in the carrying on soe dangerous an attack, and he that had done so much for her was the most likely to continue his future care of her, which I know he does with the greatest kindness possible, out of pure generosity and charity, clearly abstracted from all other ends. I could not help giveing your Ladyship the trouble of my opinion of my friend, for which I crave your pardon, tho perhaps you may frequently have heard it from other hands. Be pleased to believe Madam, that on all occasions I will pay that duty, respect and regard to you as shall demonstrate me to be, Madam,

Your most obedient Grandson
and servant

Richard Grosvenor.

Some years later, when Francis Cholmondeley and Sir Richard Myddelton were both dead, and a fresh custodian for Dame Mary's person and property had to be chosen, it was apparently considered politic and conciliatory for Charles Cholmondeley to get Mrs. Tregonwell's approval before undertaking the charge. And so we get a letter from Mr. Meitts, the negotiator, to Sir Richard Grosvenor, describing the approach to the rather formidable grandmother, then seventy odd years of age, and within a year of her death.

Most Honoured Sir,

17 May, 1716.

At my return last night from Oxford, I was favoured with yours, and immediately communicated the contents to Mr. Cholmondeley, and, thinking the old Lady would better approve your choice of him in case he waited on her at the same time, desired he would fix which hour he thought best this forenoon for me to wait on him for that purpose. The fixed hour which I observed, but then advised we should wait on the Master of the Rolls this afternoon at 4, and afterwards on Mrs. Tregonwell,—However, I thought it was best to know the old lady's mind first, and then if anything difficult arose, we might have the advantage of his Honour's directions, so I went straightway there, and told her Ladyship I had your commands to wait upon her to acquaint her that in case her Ladyship approved of Mr. Cholmondeley of Vale Royall, that you thought him a proper person to undertake a trust of this nature, and that he had been so kind to promise to give the family what assistance he could herein. That he was a gentleman of a great deal of honour and integrity, and very well qualified by a knowledge of accounts of that nature to be serviceable therein, and though I had not Mr. Cholmondeley's directions, yet finding the old lady expected he should have waited on her, told her that Mr. Cholmondeley was but to come on Saturday, that he was fatigued with riding Post, but designed his first visit for her Ladyship. Whereupon she took some pains to inform

me that when she made the last movement for the Commitment of her daughter, it was not upon the account as was suggested by Mr. Cholmondeley, but purely that she might have seen that no care had been wanting for the recovery of her daughter's indispositions. I told her that there was no room left (where there was so near a relation) to doubt anything of that nature, or suspect such a thing being in view; but, (that I may trouble you with no more of our dialogue), she at last told me she well approved of Mr. Cholmondeley, and (though the right was with her) would give no opposition, for all she endeavoured was the good of her family. I told her that was a very plain instance (as well as the former) that she did, and that I would acquaint you this night with her Ladyship's ready compliance therein. This afternoon I got Mr. Cholmondeley to wait on his Honour, and acquainted him with my procedure in the forenoon (which he approved), and told me it would be best to take the old lady whilst she was in mind. . . .

My most humble duty and services wait upon you and my Lady, and beg leave to subscribe myself

Ever Honoured Sir,

Your most obedient and Dutiful Servant

M. Meitts.

EXEUNT OMNES

ONE cannot come to the end of such a story as this without wondering what became of all the characters, and if their names and descendants still survive. Starting with the principal figure the story is soon told. Dame Mary lived on at Vale Royal till July, 1713, when Francis Cholmondeley died. She was then taken to "that goodlie Castell" of Chirk, and the care of her person and property committed to Sir Richard Myddelton. She remained at Chirk till Sir Richard's death, and then returned to Vale Royal into the care of Mr. Charles Cholmondeley. After this another order was made by the Court confiding her to the care of Robert Myddelton of Chirk, where, I presume, she died. She was buried at Eccleston January 15, 1730. She was the direct descendant of Elizabeth, the youngest sister of Hugh Awdeley, and she is represented to-day by the Duke of Westminster, who still owns the property Awdeley gave to her father.

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Another of Hugh Awdeley's gifts is still in possession of the descendants of his sister Alice, who married Sebastian Bonfoy. From Alice and Sebastian came Samuel, who died before Awdeley, leaving a son, Nicholas, associated with Awdeley in his business for years, and mentioned in his will. A fortnight before his death, Awdeley settled upon this Nicholas lands in

Abbots Ripton and other manors, near Huntingdon. Nicholas had a son called Hugh, who was Awdeley's godson, to whom Awdeley left £500. In 1662 Hugh was 10, and he survived till 1701, leaving a son Nicholas, who settled at Abbots Ripton, and died in 1734, leaving three sons, Nicholas, Hugh and Thomas. Nicholas became Serjeant-at-Arms to the House of Commons, and died in 1775, without issue, leaving his Huntingdonshire property to his nieces, Elizabeth, daughter of his late brother Thomas, who married John Rooper of Berkhamstead; and Anne, daughter of his late brother Hugh, who married Henry, Earl of Ely. Hugh Bonfoy, brother of Nicholas, was in the Navy, became Commander of H.M. Yacht *Dorset*, and died in 1762. Here the Bonfoy male issue in this line ceased, but the race survived through Elizabeth, who married John Rooper. Elizabeth's son, John Bonfoy Rooper, was M.P. for Huntingdon 1831-37, and the family still reside at Abbots Ripton, on the property given by Hugh Awdeley.

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Awdeley's second sister, Sarah, married Robert Harvey, grocer and citizen of London, and their family is now represented by Mr. Edmond Audley Harvey. (See Burke's *Landed Gentry*, 1914, p. 906.) So here we have the three families of Davies, Harvey and Bonfoy, and two of them on the very property given to them by Awdeley.

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And here, perhaps, with considerable diffidence, one might offer something in the nature of a vote of condol-

ence with the families who, at one time or another, had the Manor of Ebury bestowed upon them, and ultimately snatched away. I cannot see that anybody is to blame. They could not all have it, nor did anyone foresee in the 17th century what it would become; indeed there were legal enactments against the expansion of London in those days. As a matter of fact, the Bonfoys and Harveys got what were then better estates. As sometimes happens, the last became first.

These three families emerged from the City of London, where they served the State as feather-dressers, grocers, and scriveners, and passed by way of educational equipment, territorial acquisition and matrimonial alliance, into the legislature, church, navy, army, and civil service of their country. Some served with distinction in the late war.

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During the many years Dame Mary passed at Vale Royal and Chirk Castle, her three boys and their sister Anne grew up under the tender care of Francis Cholmondeley. Anne was married in 1730 to William Leveson Gower, M.P. for Staffordshire from 1720 till 1756, whose father was created Baron Gower, and his elder brother Earl Gower.

The three sons all succeeded to the baronetcy. Their portraits hang in the Chester Town Hall, but I do not know when, or through whom, they got there. In *The Beauties of England and Wales*, 1801, Vol. i., p. 228, writing of Chester, the author says:—"The room where the courts are held, or Common-Hall, is

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embellished with several portraits . . . among them are those of Sir Thomas Grosvenor, Sir Robert Grosvenor, Sir Richard Grosvenor, ancestors to the present Lord Grosvenor." These portraits are reproduced on Plate 29. The first on the left is Sir Richard, as can be proved by comparing it with his portrait at Tatton, figured by Earl Egerton of Tatton in Vol. xv. of the Chester Archæological Society's *Journal*. The centre portrait is Sir Thomas, who succeeded in 1732, and died of consumption at Naples in 1733. The third is Sir Robert, in his robes as Mayor of Chester, who succeeded in 1733, and married Jane, daughter of Thomas Warre, of Shepton Beauchamp, and Swell Court, Co. Somerset. It is interesting to note, with regard to this marriage, that Dame Mary's mother, Mrs. Tregonwell, was grandmother to both bridegroom and bride, the bridegroom's mother being her daughter by Alexander Davies, and the bride's mother being her daughter by John Tregonwell.

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Sir Richard seems to have been at Eton College till early in 1704, when he set out on foreign travel. He received letters from Francis Cholmondeley continuously between 1703 and 1709. They reached him at Geneva, Frankfort, Venice, Turin, Florence, Rome, Brussels, The Hague, Amsterdam, and, after 1707, at London. I give a few extracts from these letters to show the affectionate care and attention bestowed by Francis Cholmondeley upon these boys.

On December 4, 1703, Mr. Cholmondeley wrote to Sir Richard :—



Sir Richard



Sir Thomas



Sir Robert

The three sons of Dame Mary Grosvenor

Painted by William Verelst

"Since the Hurricane-Storm, we have here as dreadfull a one from sea, and the ports, for every day brings more and more. The last made the number of men of warr that are lost to be 13, and how many more, God knows. Two Admirals not heard of, and no account yet from Holland, the winds being ever since contrary, but all in terror of the news when it comes.

"The Lord Pembroke's house at Wilton burnt, was yesterday's sad news; Dr. Kidder and his wife both killed by the falling of the room and no other person the least hurt. They were both layd out and expos'd in the Hall at Wells; people flockt to see them, being the Fairday there. It's thought the loss and shattering of the ships, will make it impracticable to transporting the new King of Spain into Portugal this winter."

Luttrell described the devastation made by this storm, November 27, 1703 :—

"About one this morning a terrible storm arose, which continued till past 7, the wind south west; the like not known in the memory of man; . . . the damage incredible, the Lady Nicholas and a great many people killed."

In March, 1704, Sir Richard's guardian advised him to furnish himself with Memorandum books,

"that into them you insert your own observations, which will more fix them in your memory and employ your mind to make everything usefull to you and easy. God grant you a continued health, happy voyage and journeys in your travel, and a safe return . . . Mr. Andrews has given me an account of your good health (which God grant you may ever enjoy), and that he saw you aboard and standing out to sea with a favourable gale, and as a good sailor, and with an extraordinary Captain . . . under these advantages I cannot doubt of your safety, by God's blessing, and that your passage was easy and quick."

Sir Richard sent Francis Cholmondeley a portrait of himself in 1704, and I wish we knew what became of it.

"Your very obliging and endear'd present," wrote Francis, "my Dear Sir Richard, I shall receive with all the affection of delight—which will exceed so farr my valuation, that I shall want words to express how much."

Later he wrote :—

"I gave you an account some time ago that I had received your much valued present, which is the more to be esteemed, because in the opinion of all, its very like."

In April, 1706, Mr. Cholmondeley wrote :—

"I do not doubt but both your conjoyned managements will find enough to keep a coach, and do what becomes your quality and a decent equipage, for I shall in all respects encourage you, as becomes my Trust and your circumstances, and do not doubt but Mr. Forrester, with your compliance, will satisfy your desires in a coach. If you break your route from Milan to Geneva by reason of the difficulty of that to Venice, I think it most advisable when at Florence for your Exercises to go into an Academy where you'll learn them in perfection, and where, when I was in France, the sons of the great men there were constant in those Academys."

In June, 1706, he continued :—

"I hope to perfect you in all gymnastick arts, you entertain yourself in the Academy which is very honourable as well as commendable. I hope you'll not find many English there, which will greatly impede your language, and too much addicted to play, but of that I do not now fear you, because of your promise of honour you have given me."

Again, on September 7, 1707 :—

"I have received the valuable favour of yours Aug. 30, from Ulm, and fully agree with you in the route you intend

to take, and your considered reasons you are pleased to give, from which I do gladly gather your faithfulness to your word to me, of avoiding all occasion of Play, because from which nothing but ruin and a broken reputation can be expected. I do assure you, dear Sir, nothing on this side heaven can make me more effectually happy than to embrace you in perfect health, which God grant and always continue. No doubt Lace and Linen is best and cheapest in Flanders, and I shall order your Bills to be paid with what diligence possible, though there was never such difficulty in getting money from the Tenants. Cheese at a very low rate, and all other commodities too . . . I am very glad you are gathering Books, which are the best retirement and entertainment in all respects."

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With regard to the third son, Robert, we know that he was at "Mr. Newborough's house in Eaton, near Winsor," in 1707; and he and his brother Thomas matriculated at Brasenose, Oxford, on the same day, October 21, 1712; Thomas aged 17 and Robert 16. There are among the Eaton archives a few letters written by Robert, between his 19th and 23rd years, to his brother Sir Richard, from which I give a few extracts. It will be noticed that Robert's letters abound in matrimonial information, and allude to his having "been so taken up with my Uncle and Aunt Warre (who are here) and the rest of my Countrey Cozens their children, that I have had no time hardly to myself." At a later date he made one of these "Countrey Cozens" his wife, and from these two came the existing Grosvenor family. The lady was Jane Warre, daughter of Thomas Warre, who married Dorothy Tregonwell. Jane's portrait by Mason Chamberlin is reproduced on

Plate 30. Her near kinsman, the Rev. Edmund Warre, three generations later, became an illustrious Headmaster and Provost of the College of "Eaton, near Winsor," where her husband was educated.

Millbank. 3 June, 1714.

Dear Brother,

I have been here three weeks and begg your pardon that I have not writ to you sooner, but I have been so taken up with my Uncle and Aunt Warre (who are here) and the rest of my Countrey Cozens their children, that I have had no time hardly to myself. The Town grows very empty, wherefore there is little but publick news stirring, which I suppose you have every week, wherefore I need not enlarge on that subject.

The talk of the Town is now that the Lord Ashburnham will be married to the Duchess of Hamilton, and Mr. Kennard to the Lady Betty Gordon. Mr. Charles Cholmondeley is not yet married; I hear old Pitts raises fresh difficulties every day. The match between the Lord Lexington and Lady Catherine Hyde goes on apace, for Mr. Walter was here the other day, who says he is making what dispatch he can to gett the writings ready.

I have been to wait of Lord and Lady Rochester and Sir William Wyndham since I came here; all of whom with their families are very well. My Grandmother (Mrs. Tregonwell) has been much out of order, but is now pretty well; she still complains pretty much, but (I think) with little reason, for to all appearance she is as hearty now as she was ten years ago. My Grandmother sends her Duty to you, and Uncles and Aunts etc. their Services. I believe I shall stay here a fortnight or three weeks longer before I returne to Oxford, wherefore, if I can Be any ways serviceable to you here, you cannot more oblige me than by commanding Dear Brother

Your affectionate Brother and
Humble Servant

Ro : Grosvenor.



Painted by Thomas Gainsborough.

Engraved by Thomas Gainsborough.

*Jane, daughter of Thomas Warre,
and wife of Sir Robert Grosvenor*

Dear Brother, Anderston. August 25th, 1714.

I doubt not that you will be surprised to find me by this epistle in Dorsetshire, which indeed was a very sudden motion, I myself little thinking of such a journey two days before I sett out from Oxon; but My Grandmother being in the Countrey, Good Company, and Curiosity to see ye Garden of England, as Dorsetshire is frequently stiled, were (you will say) no small inducements. There were four or five Oxonians, most of them my acquaintances, came down from Oxon along with me, none of whom live ffar from hence, which is no small addtion to ye pleasantness of the Countrey, which (without flattery to it) I think is deservedly stiled as above.

Last week I was att General Earle's, which is about 2 or 3 miles off. He himself is att London, on account of ye Queen's Death, but Lady Earnly was there, who presents her service to you and Sister Grosvenor: Pray tell Sister Grosvenor Lady Earnly complains very much of her for never answering her letters; She says next time she will write to you, who she is sure will not serve her after that manner. I suppose by this time it is no news to you that old Portman Seymour is married to one Miss Fitz, a young Girl under fifteen; He is threescore and above two years older than his Wife. . . .

We have a great fair hereabouts, called Woodbury hill fair, which beginning next Tuesday cum seven-night, I am perswaded by the Ladies to stay till the fair is over, after which I intend to return to Oxon, so that (I hope) to be in Oxford again in little more than three weeks from the Date hereof; in the Interim, if you favour me with a line or two, Pray direct for me att Mrs. Tregonwell's att Anderston near Blandford, Dorsetshire, by way of London.

My Grandmother (Mrs. Tregonwell) is very well and hearty, and sends her duty to you; My Uncle and Aunt Jenny send you likewise their service. Pray give my kind love to Sister Grosvenor, Brother Tom, and sister Hanny, and accept the same from, Dear Brother

Your Affectionate Brother and Obliged Humble Sert :

Robt: Grosvenor.

Brasenose. 5 Dec., 1714.

Dear Brother,

Last Fryday the famous Dr. Radcliff was buried here, in a very solemn and magnificent manner. I have sent you here our Vice Chancellour's Programme, which came out upon that occasion some days before, which (I believe) will give you a clearer account of it, than any else. I shall only take notice of some few particulars belonging to the Solemnity, which are omitted in the Programme: namely, that all the Doctors of all facultys, as also all Noblemen and Masters of Arts to the number of 7 or 8 Hundred, had all rings and gloves. The Pall was bore to the Grave by the Lord Bishop of Bristol, the Lord Bishop of Chester, the Master of University College, and Rector of Lincoln College, (these two last-mentioned held up, I believe, on account that Dr. Radcliffe had formerly been to both those Colleges of which they are Heads, or Governors). The two other were the Divinity Professor, and the Civil Professor. I shall not recite his benefactions to this University, because I dont question but you had an account some time since of them in the Publick news. Here is no other news stirring, wherefore, I shall begg leave to Subscribe myself,

Dear Brother

Your Most Affectionate Brother
and obliged Humble Servant,

Robt: Grosvenor.

Oxon. 4 Dec., 1715.

Dear Brother,

I doubt not but before this time, you have seen in the publick papers that there has been several Swords and Bayonets seized here, supposed to have been intended for the Pretender's Service, wherefore I thought it would not be improper to undeceive you at this juncture that you may have a better opinion of this place, and to lett you know it appears that these arms were intended for the Service of the Government, being directed for one Major Greeneway, in order to arm his new-raised Regiment.

I received a letter to day from my Sister, the family at

Millbank are well. I wish you would give yourself the trouble to look into our Pedigree, and lett me know if from thence you can find that we are any way related to Henry Chichley or any of his posterity. He was Archbishop of Canterbury (I believe) about 260 years since, and founded All Souls Colledge here. I hear Mr. Lee of Lime's mother is of that familey. I have sent you an Oxford Almanack for the ensuing year, which I beg your acceptance of tho' but a poor acknowledgment of the greater favours bestowed upon Dear Brother

Your Affec : Brother and Obliged Humble Servant,

Robert Grosvenor.

N.B.—No arms have been seized here since his Majesty's coming to the throne, as has formerly been maliciously insinuated.

London. June 17th, 1718.

Dearest Brother, . . .

Pigot acquaints me that the very merry and jocose Mr. Sherborne is with you, who I know is very pleasant and diverting company, so shall not presume to say much in order to divert you.

I shall only begg leave to acquaint you of a very diverting wedding which was celebrated on Thursday last, and of which the Town is now very full. I think I need only give you the character of the persons and leave you and your ingenious companion to make your remarks. The Husband is one Dr : Grimblestone of this Street, a very remarkable miserable wretch, one that is grown pretty rich by his attendance upon Patients in Garrets at Half-a-Crown a time, never allowing himself so much as either fire or a waistcoat in depth of winter, never drinking wine, but yet is always so extravagant as to spend his whole three halfpence at the Alehouse every night. He is not very amiable in his person, generally very dirty in his cloaths, wears a large brim Hat like a Quaker's, with a Gold Hat-Band about it, and I never saw him with a sword by his side. He has had University education, is a Lancashire man by Birth, and some say a very ingenious, others learned, others able

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Physition; but lett him have one either or neither of the three faculties, yet, I think it is generally agreed on all hands, that he is altogether a very impolite awkward gentleman. I hope matrimony will make him spruce out, and show his parts; I hear he has already bespoke a fine Chariot for his Lady and self to make their appearance in, (it may be) at the Ring in Hyde Park.

The Lady is Sir John Chetwood's sister, who abundance of my Countrymen here give but an awkward account of. She being a Lady of our Country, and one I have not the honour to be acquainted with, I shall say nothing of her character, but leave you to inquire that nearer home. Besides, you know I always have such a regard to Ladys Characters, that if I can say nothing in their favour, I never mention anything I hear to their prejudice. Lett her be what she will, I think I may venture to say so much in her favour, viz: that she is esteemed a four thousand pound fortune.

Pray my kind service to my sister, and tell her I hope she will join her utmost efforts with you to make up her loss. My service also attends my brother, Mr. and Mrs. Tuer, Mr. Sherbourne, Mr. Pigot and all friends as if named.

I am, Dearest Brother,

Your Ever Affect: Brother and obliged humble Servant, etc.

Robt: Grosvenor.

Oxon. 5 Sep., 1718.

Dearest Brother,

Just after I sent you my last to the Post House, I received the favour of your's of the 23rd of August, and return you many thanks for sending me so much news. I wish these late Eclipses had not had some effects upon our Chester Beauties, for by ye accounts I hear they are most of them downright mad in love, which makes them apply to the Red Coats for fearing of Leading Apes in Hell. [Becoming old maids.]

Yesterday the Races ended here, and we had very good sport every day; The Marquis of Caermarthen won the £40 Plate, Mr. Holman the Bucks and Does, and Mr. Oakley

the Gentleman's Plate worth £30. I will endeavour, if possible, to get a list of all the Horses and how they came in, which if I can obtain I will send it you. Mr. Dupins is here, we were together at the Tavern on Wednesday night, together with Mr. Prince, the Pewterer in Pall Mall, where we Drank your's and Robin Pigot's healths; we drank pritty heartily, and parted about one in the morning. Mr. Browne went out of town this day; Coe Mainwaring has taken places in the Stage Coach for London on Tuesday next, and I have also taken place to attend her; She often enquires after you, and always desires me to send her service. Mr. Tho. Leveson Gower is here, desires his service, and tells me Brother Thomas has matched his shag Mare to run at Delamere Forest some time this month or next, with Lord William Maynad's, for Fifty Pounds, and that they are both to ride themselves. Pray my kind service to Brother Thomas, and tell him I wish him all the success imaginable, and if Mr. Leveson could have assured me for certain that it was in this month he is to run, I would have ordered matters so, as to have made a journey on purpose to attend him at Delamere Forest. I could be very glad to hear that your Colts were recovered again. Pray give my kind service to my sister and brother, and all friends; all here inquire after you, and are much yours.

I am, Dear Brother,

Your Most Affect Brother & obliged Humble Serv :

Robert Grosvenor.

Among some correspondence addressed to John Pyne of Curry Mallet, Co. Somerset, is the following letter from Thomas Warre, husband of Dorothy Tregonwell, and father of Jane, wife of Sir Robert Grosvenor, which was kindly sent to me by Miss Jane Pyne.

"Dear Sir,

I hope this will find you and your Lady, with the rest of your family well. At my first coming here waited much on Sir Robert abroad and not very well, hindered my writ-

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ing sooner. My journey from Bristol hither would have been pleasant enough if I had met with some good company. Its a good hundred and ten long miles to Eaton Hall. The first city I lay at was Gloucester, where is a fine minster, and pretty city, and excellent land about it, and Severne is noble and fine, and at the water side met with my old friend Kate, Dr. Compton's sister, who was mighty glad to see me, and made me exceeding welcome, who ask'd much how you and your Lady did. She lives by the water side and her husband has good business and well to pass as they say here. The next morning I breakfasted with her, she was dressed up very fine and neat against I came. As to the city of Worcester there is one grand street, and the minster not so fine as Gloucester, and the land not so good. I went through no considerable places besides till I came to Eaton Hall but Heathy, except it was good mault drink all the way, etc. . . . your most humble servt T. Warre. Eaton Hall, Oct. 30, 1733."

Thomas Warre, and his wife Dorothy, were both buried in the Grosvenor vault at Eccleston, she in 1736, and he in 1744.

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During her lifetime the three sons of Dame Mary began the real development of the northern portion of the Manor of Ebury, known during the 18th century as "Grosvenor Buildings," and comprising Grosvenor Square and the adjacent streets. The scope of this volume does not allow of many details, but the reader will find much information in Wheatley and Cunningham's *London Past and Present*; *The Builder*, for 6th July, 1901; *Journal of the House of Commons*, Vol. xxxiv, pp. 187, 191, 199, 202 and 210; *The Daily Post*, 12 July, 1725; and *Notes and Queries*, 11th Series, Vol. iv., pp. 327 and 414.

There are a few interesting memoranda among the Grosvenor papers with respect to the laying out of Grosvenor Square, and planting it with turf, trees and plants. Amongst them is the agreement made for the statue of George I that once stood in the centre of the enclosure, and was the subject of some mysterious, but probably political or right of way dispute, of which at present no account is forthcoming.

On July 26, 1725, articles of agreement were drawn up between a sculptor named John Nost, of the parish of St. George's, Hanover Square, and Sir Richard Grosvenor of Eaton, wherein Nost, "for himself, his executors, administrators and assigns, doth hereby covenant . . . that he . . . within and on this side nine Callendar Months . . . will make fix place and set up . . . the Statue of his present Majesty King George on Horse back in Lead and Gilt, and also a Stone pedestall for the same to be placed upon . . . and each of them to be made and done of the same height or bigness and in all and every respect in the same and like manner with the statue of his said present Majesty on Horseback which now is on a Stone pedestall at the Seat of his Grace the Duke of Chandons called Cannons at Edger in the said County of Middlesex (the Carving of the pannels of the said Stone pedestall and the dress of the said Statue at Cannons aforesaid only Excepted) it being hereby agreed . . . that the said Statue . . . shall have and be in a Roman Dress or habit." The price agreed upon was £262 10s. 0d.

Later on an entry is made of £7 spent, "Mending ye figure after it was defaced"; and £3 5s. 9d. for

"Mending an old well that fell in at the Base of ye Pedestel." Another item is £7 11s. od. for "Watching the figure," and John Nost got £7 "ffor mending the Statue of ye King and Horse, a new sword and Truncheon, Putting one Legg on, Guilding the same and other places," May 25, 1728.

Curiously enough, in 1750, one John Alston wrote to Robert Andrews, the Grosvenors' London agent, in a way that leads one to think the Square was still subject to attack:—

"I see no more than 4 of those sills or plates that so much as was sapp, is decayed and if pieces of Oake were fixed there, and so many of the Barrs as is broak repaired, the fence may last 7 years longer, where Violence is not used, but there is too much of that, for in the last night part of the Base of every one of the brick pears is broak off with some axe or large Hammer half round the Square."

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The next most important event connected with the early history of Grosvenor Square, after the mysterious attack upon the "Lead and Gilt" effigy of His Majesty King George I, is recorded by John Thomas Smith in *A Book for a Rainy Day*. It seems that in 1781, the Thrales had a house in the Square, and for a time accommodated Dr. Johnson with an apartment therein. "Think," wrote Hannah More, "of Johnson's having apartments in Grosvenor Square! but he says it is not half so convenient as Bolt-court." About this time John Thomas Smith records that he once saw Dr. Johnson "follow a sturdy thief, who had stolen his handkerchief in Grosvenor Square, seize him by the

collar with both hands, and shake him violently, after which he quickly let him loose; and then with his open hand, gave him so powerful a smack on the face, that sent him off the pavement staggering."

Many illustrious people besides Dr. Johnson have resided on the Grosvenor London estate, and references to the houses occupied by Handel, Burke, Warren Hastings, Wilkes, Charles James Fox, Sydney Smith, Lord John Russell, Shelley, Chantrey, Lord Beaconsfield, and others, may be found in *Memorable London Houses*, and the excellent volumes on *Houses of Historical Interest*, published by the London County Council.

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To follow the rest of the dramatis personæ to their exit from the stage, we find that Mrs. Tregonwell lived on until 1717, and made her will on the 6th of June in that year, and died on July 11. She left legacies among her children and grandchildren, and all the rest of her estate to her grandson John Tregonwell. The announcement of her demise was made to Sir Richard Grosvenor by Mr. Meitts in the following passage:—

"Most Honoured Sir, Not knowing if you would have an authorisation of Mrs. Tregonwell's death (which happened this morning between 6 and 7) I beg leave to acquaint you herewith. I hope this (in case you receive it over night) will not occasion so much distress as to break your rest, (hoping the old Lady has made a happy exchange of this life for a much better)."

She was buried with her first husband Alexander Davies, in the churchyard of St. Margaret's, West-

minster, and on the tomb mentioned on page 169, vol. i, is the inscription: "Here also lyeth Mary Tregonwell Wife first of ye said Alexander Davis afterwards of John Tregonwell of Dorset Esq and Daughter of Richard Dukeson D.D. She was a Lady of Exemplary Piety and Charity and dyed universally lamented on the eleventh day of July 1717 Aged 75 years."

The register of St. Margaret's records:—"July 18th, 1717. Madm Jane Tregonwell Widw in the great vault churchyard." The error seems unnecessary.

John Tregonwell, according to the list of Dorset Administrations given in *The Somerset and Dorset Notes and Queries* died in the "parish of St. Andrew Undershaft, London." Administration was granted to his "relict" Mary in March, 1682. Why he died so far from Millbank I know not.

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William Massey, Dame Mary's Catholic neighbour, according to Mr. Beazley's charming description of Burton parish, in which stands Puddington Hall, joined the Jacobite rising in 1715, and "escaping from Preston when the rebel army surrendered, swam his horse over the Mersey between Speke and Hooton, and reached his Hall at Puddington, only to be arrested and die in Chester gaol. The spot where his gallant horse fell dead is still pointed out in the farm yard."

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Bishop Cartwright went to Ireland with James II, 12 March, 1689, and died soon after, and was buried in Christ Church Cathedral, 15 April, 1689. In the follow-

ing October, Chancellor Jephson, acting as Dean, the real Dean having fled to England, being anxious to conceal the church plate, in case the Catholics seized the building, packed it in boxes and hid it under Cartwright's coffin. The Rev. John L. Robinson, to whom I am indebted for this information, adds, "The step was taken none too soon. A few days later, on Saturday night, 26 October, the keys of the church were taken from the sexton and handed over to Father Alexius Stafford, one of King James's private chaplains, who next day celebrated Mass in Christ Church." So, after all, this strange Protestant divine, who had been useless to his king during life, proved of some service to his opponents after death.

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Edward Fenwick seems to have returned home to Northumberland, and was buried at Bywell, 6 May, 1715. Father Lodowick Fenwick was buried at Chelsea.

Francis Radclyffe died before the judgment of the Delegates, and was buried at Dilston 16 October, 1704; and Thomas Radclyffe died at Douai, before 1716.

Colonel Thomas Colepeper rests in the churchyard of St. Margaret's, Westminster, in close proximity to the noble and the illustrious.

Mary Lockwood, Hugh Awdeley's faithful and devoted servant, after her "broaken sleepe and pains taken" with her old master, married Thomas Crosse, a brewer in the parish of St. Margaret, Westminster. He died in September, 1682, in a house, with brew-house attached, on Millbank, leaving three sons and two daughters.

With regard to Dame Mary's aunt Mrs. Mason, who had charge of her during infancy, and received a pension for her services from Sir Thomas Grosvenor, a letter from Mr. Forrester to Sir Richard Grosvenor dated 25 March, 1708, says that she "died on Monday and was buried last night."

A LAST WORD

HERE endeth the sad story of Mary Davies, and standing by her grave one could almost wish to call her forth, and say that all has gone well with her family, her property, and her native land. Great changes she would find everywhere. The old bells of Eccleston that tolled when she was laid to rest, have been blended with a larger peal for a nobler sanctuary, from which they still call to praise and prayer. The beautiful house her husband built, has been twice entombed within Gothic monuments of almost geological magnitude and geographical extent; but doubtless some of the oldest oaks now in the Eaton paddocks were bearing acorns when she was rearing children, the noble trees that George Stubbs, a century later, made the background of his immortal studies of mares and foals.

And the River Dee still flows silently by, though wider and deeper, for the land is better drained. It is also better cultivated, and men are better housed, clothed and fed; and labour is lightened, and children are more highly educated. There is swifter transit, and going to and fro of men and message throughout earth and air and sea, but the primal human occupations remain, and the shepherd, ploughman, herd and gardener are yet what they were, like the green grass and noiseless trees, that grow while men are sleeping.

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And Saughton Tower is still on the hill, and away across river and plain the ruined Beeston Castle, just as Mary Grosvenor first saw it on its sandstone crag, still commands the Cheshire Vale.

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And if she were to travel south, to her fields west of London, she would find pasture, arable and swamp covered with sumptuous streets and squares. And were she to ask how all this had come about, the thoughtless might reply that we are a wonderful generation, who photograph our knee-joints, and telephone to New York, but the student would graciously acknowledge our debt for what we have received from the multitudinous generations of the past, from those who bequeathed the priceless legacies of primeval invention, to the Kelvins and Clerk Maxwells of yesterday.

"It is not known," says Colton, "where he that invented the plough was born, nor where he died; yet he has effected more for the happiness of the world than the whole race of heroes and conquerors, who have drenched it with tears, and manured it with blood." "History," writes the immortal Fabre, "celebrates the battlefields whereon we meet our death, but scorns to speak of the ploughed fields whereby we thrive; it knows the names of the king's bastards, but cannot tell us the origin of wheat. That is the way of human folly."

Let fame immortal crown the souls of those,
The nameless heralds of the earth's increase,
Who first struck fire, fashioned flint spears and tools,
Lured metal from the rock, glass from the shore,
Ploughed the straight furrow up the open field,

Harnessed the wandering winds and falling streams,
Raised the wild wheat, controlled the rambling vine,
Trained the fleet horse and hound, reared flocks and herds,
And rolled a wheel along the hard round world.

And if it be asked, why drag in prehistoric man, the answer is that these Middlesex meadows, mostly marshy meads, divided by tidal ditches, so unimportant as to area that their present owner might lay fifty such enclosures on his South African properties and not cover them, were all important to Briton, Roman, Saxon and Dane, for through them, or past them, ran busy trading and military routes, that took away the slaves and produce of Britain, and brought back the merchandise of the East. These fields were then, as now, part of Westminster, where was the first possible ford or ferry across the Thames. Along these highways the legions of Hadrian and Vespasian moved to and fro, and probably the first messengers of the Gospel of Christ. The Norman Conquest brought these lands for 500 years into the lordship of the Abbey of Westminster, which, with thousands of other monasteries assisted in the great work of cultivating land, and generating a Christian cosmopolitan ideal, that sought by the amalgamation of races and the abolition of slavery, to restrain internecine strife, to exalt the condition of the poor, and to create centres of education in buildings of unparalleled beauty, adorned with sculpture and painting and dedicated to the preservation of piety, peace and learning. Westminster Abbey has become the crypt of England's dead, but for centuries it was a cradle of English culture, and its Chapter House

became the nursery of the Mother of Parliaments. The custodians of the Abbey to-day are the servants of the Dean and Chapter, but the guardians of the Chapter House are representatives of Parliament, which has never surrendered its possession.

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And if the fields and roads of Dame Mary's inheritance remind us of our debt to ancient races, the same area covered with stately buildings recall our manifold obligations to the generation among which she flourished. While she and Sir Thomas were building their house and peopling it with children, the whole family of English men and women were busy developing a national estate of knowledge and equipment. We keep an account of our National Debt, but who adds up our National Asset, that mighty legacy of past labour in science, art, agriculture, building and transit? Histories are too much occupied with Court Circulars and Military Dispatches to talk about such things, but the uses of history are not exhausted in catalogues of kings and conquests; the highest purpose of history is to unfold the long record of man's fulfilment of his aboriginal destiny, to till the earth and subdue it; all else is marred by savagery and tainted with pride. Now the epoch of Mary Davies was a generous seed time, from which we reap a beneficent harvest. It was a trying period owing to the upheaval of religious opinion, and the passion for persecution and retaliation; but it was also a glorious era of expansion, scientific, commercial and colonial. It was the age of Newton, Halley, Sydenham, Wiseman, Weston, Ray and Boyle. These

men constituted a hierarchy of intellect in the realms of observation and research. The universe to them was not an unpremeditated accident, but an organism of directed agencies, co-operating in mysterious ways, whose secrets are revealed through investigation. These pioneers were confronted by ignorance equipped with ancient traditions, remnants of magic, and blind prejudice. Molière in 1673 described it precisely where the old physician says of his student son: "But, above all things, what pleases me in him, and what I am glad to see him follow my example in, is that he is blindly attached to the opinions of the ancients, and that he would never understand nor listen to the reasons and the experiences of the pretended discoveries of our century concerning the circulation of the blood and other opinions of the same stamp."

And first and foremost in the realm of science for this epoch and for all time, stands Sir Isaac Newton, whose huge achievements in physics, mathematics, astronomy and navigation are the most profound and far-reaching ever made by the mind of man. "Newton," says Sir Oliver Lodge, "towers head and shoulders over, not only his contemporaries, that is a small matter, but over every other scientific man who has ever lived."

Second only to Newton was Halley the astronomer. Dr. Glaisher expressed the conviction that "but for Halley, Newton's *Principia* would not have existed." "His suggestions originated it; he averted the threatened suppression of the third book. He paid all the expenses, he corrected the proofs, he laid aside all his own work in order to press forward the printing." In

1696 Halley, by Newton's influence, was appointed deputy controller of the mint at Chester. Here he observed the partial lunar eclipse of 9 October, 1697, and ascended Snowdon for the purpose of testing his method of determining heights by the barometer.¹ To Halley we are indebted, says Mr. Danson, for "The first complete computation, in tabular form, of the average duration of human lives . . . which served as a basis either for insuring lives . . . or for granting annuities," printed by the Royal Society in 1693.

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In the high work of the healing of mankind, during the lifetime of Mary Davies, there stand out two names, Richard Wiseman, called "The Father of English Surgery," and Thomas Sydenham, the physician. Sir Frederick Treves writes of Sydenham :—

"He threw aside the jargon and ridiculous traditions with which medicine was then hampered, and applied to the study of it sound common sense. He was guided by personal observation and experience, and not by the twaddle of theorists. His writings show him to be a man both truthful and fearless, whose insight was unusually acute. He was himself a subject of gout, and his description of that malady is still, of its kind, quite unsurpassed. He made an epoch in the history of medical science, and is recognised as the founder of clinical medicine as it is now known."²

Whilst Newton and Halley were winning celestial secrets from the stars, and Wiseman and Sydenham reforming and reinstituting the study of medicine, John Ray was organizing research in natural history with such

¹ *Dictionary of National Biography.*

² "Highways and By-ways in Dorset."

effect that Cuvier pronounced Ray's writings on animals as the foundation of all modern zoology. Contemporary with Ray was Evelyn, who wrote on timber, and Blith who dealt with land. But the most important of all developments connected with agriculture, that which revolutionized the life of the poor was the introduction of the turnip and the clover. "A decent provision for the poor," said Dr. Johnson, "is the true test of civilization." Here were decent provisions indeed! The cattle which hitherto had been killed and salted every autumn now had winter feeding and were preserved and multiplied. Sir Richard Weston published in 1645 his *Discours of Husbandrie used in Brabant and Flanders*. He brought us the clover, and probably the turnip. He said the clover was a good manure, a fact known to the Romans, though it was not till well on in the 19th century that the microscope revealed that the roots of leguminous plants are covered with small sacs, containing the bacteria that convert the nitrogen of the air into the nitrates upon which all vegetable life subsists. Sir Richard Weston was owner and occupier of the famous and beautiful manor house called Sutton Place, near Guildford in Surrey, the Annals of which were written by Mr. Frederick Harrison. Being a Catholic, Sir Richard was probably educated in Flanders, and spent much time there during the Civil War studying the cultivation of flax, clover-grass and turnips, as well as the construction of canals. His little volume begins: "My sonnes, I have left this short ensuing Treatise to you as a legacy." "That man," he wrote, "is worthy of praise and honour, who being possessor of a large

and barren demesne constrains it by his labour and industry to produce extraordinary fruit, which redounds not only to his particular profit, but also to the public benefit." "Besides the excessive profit you will reap by sowing these commodities, imagine what a pleasure it will be to your eyes and scent to see the russet heath turned into greenest grass; which doth produce most sweet and pleasant Honeysuckles; and what praise and reputation you will gain by your examples, first introducing that into your country, which being followed by others, must needs redound to the general benefit of the whole commonwealth." A glorious fellow, pursuing his enthusiasm through several years of Civil War, though impoverished by sequestration as a Papist and delinquent, and yet able to project the first canal in this kingdom, from Guildford to Weybridge, which had official sanction from both king and Commonwealth, and in the end proved a profitable investment.

Many of these seeds fell on stony places, and it was not till the middle of the 18th century that the potato triumphed, though strongly advocated by the Royal Society in 1663.

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It was during this epoch also that the Government began a systematic improvement of English roads. When our reigning monarch is drawn to Parliament by six horses, in a coach reminding one of Cinderella, people imagine that the team perpetuates some ancient royal pageant. What it really preserves from oblivion is the deplorable state of the roads in days gone by, when such coaches had to be dragged through bogs and

over fallen trees by a suitable number of horses. Swift suffered, and wrote :—

“ When soon, by ev’ry hillock, rut, and stone
Into each other’s face by turns we’re thrown . . .
Sweet company ! Next time, I do protest, Sir,
I’d walk to Dublin, ere I’d ride to Chester.”

Thorold Rogers says that all aboriginal roads begin as tracks of animals migrating for early pastures. These become utilized by primitive man, and ultimately improved by civilized man. The Roman roads represent the civilized era. They are “solid as Roman character, and unswerving as Roman ambition.” We are indeed the heirs of multitudinous experience. The improvement of roads affected communication of all kinds, the exchange of commodities, letters and travellers. Among many who contributed to this vast expansion was Dame Mary’s old friend William Docwra, one of the original projectors of the Penny Post.

The united efforts of such minds helped to double the population of England during the 17th century, and, in due time, transmuted the Manor of Ebury from marshy meadows and market gardens into streets and squares, of houses reflecting the increasing productive wealth of both hemispheres. The scientific pioneers of the 17th century led the way, not only to new continents, but to a new universe, by the discovery of concealed properties in matter. Space has been annihilated, pain alleviated, and labour lightened. To lighten labour is to enlighten the labourer, to ease his limbs and employ

his mind. "The windmill and the watermill were not invented till slavery was abolished."

"Few of us realize," wrote William James, "how short the career of what we know as 'science' has been. Three hundred and fifty years ago hardly anyone believed in the Copernican planetary theory . . . The circulation of the blood, the weight of air, the conduction of heat, the laws of motion were unknown; the common pump was inexplicable . . . Modern science began only after 1600, with Kepler, Galileo, Descartes . . . Harvey, Newton, Huygens and Boyle. Five men telling one another in succession the discoveries which their lives had witnessed, could deliver the whole of it into our hands: Harvey might have told Newton, who might have told Voltaire; Voltaire might have told Dalton, who might have told Huxley, who might have told the readers of this book."¹

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Now it has been customary to credit Francis Bacon with the inspiration of this great scientific revolution, but the English scientists of the 17th century followed Copernicus, Tycho Brahe, Kepler, Galileo and Descartes. Bacon's writings stimulated opinion, but his actual contributions were of small value. Nevertheless, he inculcated the idea of the dominion of man over matter, and helped to break down obstacles to research created by the prejudices of the past. "I express my surprise," he wrote, "that among so many illustrious colleges in Europe, all the foundations are engrossed

¹ *Some Problems of Philosophy*, 1911, pp. 3-28.

by the professions, none being left for the free cultivation of the arts and sciences." This sounds more like 300 days ago than 300 years. Whoever brought it about, the revolution came and altered the whole aspect of human life. Macaulay greeted it with an eloquent cheer, but Cardinal Newman, while agreeing with Macaulay's valuation of its success, says that "it aimed low"; indeed he calls it "a method whereby bodily discomforts and temporal wants are to be most effectually removed from the greatest number." "Bacon's mission," he writes, "was the increase of physical enjoyment and social comfort; and most wonderfully, most awfully, has he fulfilled his conception and his design." But why "awfully"? Surely it is not to be implied that the service of God is one thing, and the fulfilment of His command to "replenish the earth and subdue it" another? The Dean of St. Paul's in his Romanes Lecture for 1920 writes: "It is also an unproved assumption that the domination of the planet by our own species is a desirable thing, which must give satisfaction to its Creator." Whilst not venturing to measure the satisfaction derived by Almighty God from man's conquest of the earth, it must be allowed that the "unproved assumption" has some sanction from the Creator's aboriginal mandate given to our first parents, "replenish the earth, and subdue it," which the Dean will find in the first chapter of the book of Genesis, verse 28.

When Canada, by the hybridization of wheat, stretched her growing area 500 miles northward, was she not co-operating in a response to the universal

prayer, Give us this day our daily bread? It is said that when some cleric enlarged before Leo XIII on the absorption of mankind in material and mechanical development, that enlightened Pontiff responded, "Come out of the Sacristy."

"Yet do I exult,
 Casting reserve away, exult to see
 An intellectual mastery exercised
 O'er the blind elements; a purpose given,
 A perseverance fed; almost a soul
 Imparted—to brute matter. I rejoice,
 Measuring the force of those gigantic powers
 That, by the thinking mind, have been compelled
 To serve the will of feeble-bodied Man.
 For with the sense of admiration blends
 The animating hope that time may come
 When, strengthened, yet not dazzled, by the might
 Of this dominion over nature gained,
 Men of all lands shall exercise the same
 In due proportion to their country's need;
 Learning, though late, that all true glory rests,
 All praise, all safety, and all happiness,
 Upon the moral law."

Wordsworth's *Excursion*.

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Whilst Newton, Halley, Sydenham and Boyle were gaining dominion in physical science, there grew up along with them a group of pioneers who laid the foundations of our Colonial Empire. The 16th century produced explorers such as Frobisher and Raleigh, but as Professor Pollard points out, the net English achievement in Colonial Empire in 1603 was practically nil. The 17th century produced settlers, and "the

essential factor in the building of the British Empire, the factor which distinguishes it from the jerry-built empire of Napoleon, is the colonist, not the colonel, the settler, not the sergeant." The men that founded our colonies were not our buccaneers and treasure-seekers, but hewers of wood and tillers of rough lands. During the lifetime of Mary Davies vast additions were made to our American colonies.

"Let us take," writes Professor Pollard, "a glance at the map of north America about the middle of the 17th century. The solid mass of British colonies does not exist; and the territory which they afterwards occupied presents a variegated political appearance. To the north there are, it is true, the New England colonies, but they stand alone . . . on the north they have the French, on the south they have the Dutch. There is no such place as New York; it is called New Amsterdam and is peopled by the Dutch, and is part of the New Netherlands. Pennsylvania does not exist; and the future States of New Jersey and Delaware are a Swedish settlement. Then at length we come to British territory again in Maryland and Virginia. But they are isolated, and south of them lies the vast and ill-defined district of Florida, belonging to Spain, and west is the still vaster and vaguer territory of Louisiana, which is French. What will be the final colour of this mass of patchwork? No one can tell in Cromwell's time, but it is fairly certain that the power which can paint that country red will dominate the whole North American continent. And the question is really decided in the reign of Charles II, not a period with which one usually associates the idea of imperial expansion."

At the close of Marlborough's campaign against Louis XIV, and before Mary Davies died, "the Peace of Utrecht finally secured for the Empire the outworks of the Canadian citadel—Hudson Bay Territories,

Newfoundland, and the future provinces of Nova Scotia and New Brunswick."

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If the development of Dame Mary's London property reflects the expansion of Great and Greater Britain, the study of her own history reveals that some amelioration has taken place in English social life. The buying and selling of little children in the matrimonial market is a thing of the past, and the trial of a matrimonial suit in both Spiritual and Civil Courts would now be impossible. Her epoch produced the worst and the best types of English judges. Nothing can surpass the horrible cruelty of the Bloody Assize of Jeffreys. A little later, when the aged Sergeant Maynard appeared before William III, the King said to him, "You must have outlived all the lawyers," to which Maynard responded, "Yes, Sir, and if your Majesty had not come hither, I should have outlived all the law."

No one can read these pages without feeling the supreme necessity to the community of righteous legal administration. When we are young we are apt to regard the Bar as a field of adventure for intellectual talent, but as life advances the primrose path becomes set with thorns, as wills have to be interpreted, settlements secured, and character and property sustained. For somebody wants your wife, and somebody else your wealth, and another would blast your reputation; let alone the common brood that pick your pocket or plunder your hen-roost. And just as children haunted by bogies seek in fairy tales for knights and heroes to slay the giants and scarify hobgoblins, so do honest citizens,

timorously picking their way among man-traps and spring-guns, look to and lean up against an incorruptible judge. It was this reflection that made Hume write, that we are "to look upon all the vast apparatus of our government as having ultimately no other object or purpose but the distribution of justice, or, in other words, the support of the twelve judges." If James II blamed his disloyal statesmen for his fall he was wrong, he should have blamed his wicked judges.

Fortunately for England there was at that time one judge of superlative excellence, who appears more than once in this story. Lord Chief Justice Holt, according to Lord Campbell, was a man of unsullied honour and profound learning. He held office nearly twenty-two years, during which long period, often in circumstances of difficulty and embarrassment, "he gave an example of every excellence which can be found in a perfect magistrate." "Holt was the first to lay down the doctrine, which was afterwards fully established in the case of *Somerset* the negro, that the status of slavery cannot exist in England, and that as soon as a slave breathes the air of England he is free." Lord Campbell also credits Holt with having put an end to trials for witchcraft. To appreciate the range of Holt's influence, take Lord Campbell's testimony respecting commercial law: "Manufactures were beginning to flourish; there was an increased exchange of commodities with foreign countries; and the English colonies in America were rising into importance, but the rules of common law had been framed in feudal times, when commerce was nearly unknown and personal property was of little

value." Difficulties arose about "the negotiability of bills of exchange and promissary notes, and nobody could tell what were the liabilities or remedies upon them. By a long series of decisions, and by an Act of Parliament which he suggested, he framed the code by which negotiable securities are regulated nearly as it exists at the present day."

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I hesitate to call attention to the art of Dame Mary's epoch, because Mr. C. R. L. Fletcher says of the reign of Queen Anne, "Art, except that of portrait-painting, was not; but Handel came to England in 1710, and began to stimulate a taste for music which had never wholly died out." We must be thankful for small mercies from distinguished historians. It is something to know that the art of music had not totally perished in the land within a few years of the death of Henry Purcell, "the most original and extraordinary musical genius that our country has produced." (Grove.) According to Sir Hubert Parry, "Another very characteristic phase of directly representative English music is that of the latter half of the 17th century. Henry and William Lawes led up to it, and Pelham Humphrey and Lock carried it onward till it arrived at the new phase in which Purcell, and afterwards Arne, achieved the most nationally representative music of any period or any composer." Sir Hubert goes on to point out that Handel's enormous mass of operatic works "had next to no influence at all on the general development of style, and occupy no place in the story of musical evolution. Whereas in the oratorio and in secular odes

Handel was guided by the taste of a wide and genuinely English audience."

I venture also to point out that at the end of the Middle Ages there came a vocal polyphonic school, immortalized in Italy by Palestrina, and in England by William Byrd, which flourished in our cathedrals through a long series of composers, such as Gibbons, Batten, Amner, Child and Aldrich, and never even began to die out until recent times.

It is interesting also to note the value put upon English instrumental music of the 17th century by so great an artist as Rubinstein. "In England," he wrote, "instrumental music, at least for the pianoforte, must have developed itself, since its first beginnings are discovered there." Mr. Scholes tells us that Rubinstein's series of Historical Recitals "always opened with some pieces by Bull, Byrd and Gibbons, for with these men the royal line began. Bach's Suites and Handel's Lessons, Mozart's and Beethoven's Sonatas, Chopin and Schumann and Scriabin are a superstructure erected, stone by stone, upon an English foundation." (*Observer*, 7 March, 1920.)

"Art, except that of portrait-painting, was not," still, Wren was completing St. Paul's, and was the greatest of all English architects since the Middle Ages. Assuredly if the owner of Eaton Hall could exchange his present mansion for that designed by Samuel in 1675, he would be thankful. How beautiful would that building have become by now, its brick walls mellowed to an apricot tint, and their red sand-stone facings rendered venerable by the weathering of nearly 250

years! And, after all, who were the English portrait painters Mr. Fletcher had in mind? Lely, Kneller and Dahl are represented in this volume, but can hardly be said to represent this country.

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During the lifetime of Mary Davies vast changes were made in the national and international policy of England. She saw the explosion of divine hereditary right, with the expulsion of the Stuarts. In her time came the abolition of military tenures, the passing of the Habeas Corpus Act, and the freedom of the Press. She saw Louis XIV. attempt the dominion of Europe, as Napoleon did a century later, and Germany after another 100 years. Her age also anticipated the remedy of a League of Nations, once again offered for acceptance to mankind. The Abbé Saint Pierre (1658-1743) in his *Mémoires pour rendre la Paix Perpétuelle à l'Europe*, proposed a permanent tribunal of compulsory arbitration among European states, based on the undertaking that if any state took up arms against one of the confederation, the rest would combine against the offender. Perchance our children may realize the faith and hope of Samuel Butler, that on the whole the human race is continually tending to aggregation and concerted action, and that in the long run human nature will abolish international competition, and with it war, as education raises the mass of mankind, and possibly as famine compels men to co-operate.

PROGRESS

ARE we entitled to use the word *progress* respecting the developments here recorded? According to a recent London writer the matter is in doubt. The Dean of St. Paul's, undermined perhaps by the recent war, as the fabric of his cathedral has suffered from surface vibrations and subterranean excavations, has rehashed in his Romanes Lecture for 1920, all the mouldy chestnuts bequeathed by past pessimists. Again we are reminded that "the best fate for men is not to be born, or being born to die." Once more we get Freeman's bull, "In history every step in advance has also been a step backwards." Indeed, the Dean entertains grave fears respecting the globe itself. The heavenly bodies, their combustions, occasional collisions and coolings, are represented as a system in which there cannot be a trace of progress. "Man and all his achievements will one day be obliterated like as a child's sand-castle when the next tide comes in."

Now until I took a joy-ride with Dean Inge through this stale and unprofitable catalogue of cosmic catastrophe, I was under the impression that clergymen believed human beings to be immortal souls, imprisoned for a while in this muddy vesture of decay, but with respect to origin, destiny, and development, far beyond

reach of gas explosions, wholesale or retail, Respecting London, however, with which we are immediately concerned, the matter seems to be serious. "If it is progress," writes the Dean, "to turn the fields and woods of Essex into East and West Ham, we may be thankful that progress is a sporadic and transient phenomenon in history." But what about the fields of Middlesex converted into Grosvenor Buildings? Does anybody outside Bedlam want to go back to the 1614 map of Ebury Manor, or beyond that to woad or wigwam? Does anyone want to plant docks and nettles in Grosvenor Street, where Humphry Davy and Michael Faraday discussed the evolution of powers that have illuminated the dwellings and lightened the labour of East and West Ham? From the West End and West Ham come the intellectual and physical forces that are engaged in the conquest of the earth and the creation of wealth, the wealth that sustains all the clergy and supports all their fabrics. No West Ham, no West End, no St. Paul's!

The path of progress may be difficult to foresee, because the complete plan, "The first whence and the last whither of the whole cosmic precession," is known only to infinite eternal wisdom, to that intelligent First Cause, made manifest by the omnipresence of mind in the entire universe, but a path of progress is open to every pilgrim that obeys the aboriginal mandate to till and subdue the earth.

Anxious, however, as the Dean is about our cosmic stability, I think he is more perturbed about the probable extinction of the specially select group of humanity to

which he himself belongs. "I do not see," he sadly murmured to the Eugenics Education Society, "a crumb of comfort for my own class, and I am afraid that many of our best families will inevitably disappear from the face of the earth." (*Times*, 17 November, 1920.) I venture to believe that the story recorded in these pages may bring a ray of hope, if not a crumb of comfort, to such sane, efficient and industrious folk, as have always made the world go round, by showing them how past generations have withstood the wreckful siege of battering days, international wars, universal insolvency of debtors and creditors, and repeated threats of celestial combustions, and their descendants still survive to read the story.

I confess I was not surprised, after a series of gloomy portents about our impending calamities, that *Mr. Punch's* curate called at the Deanery and inquired of the butler if "the bean was dizzy!"

And I saw in my dream how Greatheart came upon a wounded man in rags and tatters that lay by the side of the road, who could neither rise upon his feet, nor walk along the way. Then said Greatheart unto him, "Why liest thou here in this sorry plight?" And he answered, "Pride and Cruelty fell upon me, but I drove them back. And while I went about to recover from that encounter, behold there came a prophet who told me that all endeavour is as vain as stairs of sand; that the best men shall perish from the earth; and the whole world, visible and invisible, be blown away as dust around the universe." Then said Greatheart to him, "It was Giant Despair from Doubting Castle that cast this mud upon thee from the Slough of Despond. Arise! Give me thy hand! There is that in thee which 'neither sickens with disease, nor dies with death, but lives on, somehow, somewhere, for ever!'"

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“Forth, pilgrim, forth! Forth, beste, out of thy stal!
 Know thy contree, look up, thank God of al;
 Hold the hye wey, and lat thy gost thee lede:
 And trouthe shal delivere, hit is no drede.”

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And if, in our anecdotage, we are tempted to compare past generations with our own, let it be done with generosity and courage. Many a depressing hour have I spent listening to prehistoric man, in the palæolithic caves of Pall Mall, grumbling about the decay of my native land. “I tell you, Sir, England isn’t going to the dogs, she’s gone!” Well, in Aubrey’s *Lives* (1626-1697), there is just such another ancient detraction engine, one Thomas Tyndale, who remembered Queen Elizabeth’s days:—

“Alas! O’ God’s will! Now-a-dayes every one, forsooth! must have coaches, forsooth! In those dayes gentlemen kept horses for a man-at-armes, besides their hackney and hunting horses. This made the gentry robust and hardy and fitt for service; were able to be their owne guides in case of a rout or so, when occasion should so require. Our gentry forsooth in these dayes are so effeminated that they know not how to ride on horseback. Tho when the gentry mett, it was not at a poor blind sordid alehouse, to drinke up a barrell of drinke and lie drunke there two or three dayes together; fall together by the eares. They mett tho in the fields, well-appointed, with their hounds or their hawkes; kept up a good hospitality; and kept a good retinue, that would venture that bloud and spirit that filled their vaines which their masters’ tables nourisht; kept their tenants in due respect of them. We had no depopulacion in those dayes.

“You see in me the ruines of time. The day is almost at end with me, and truly I am glad of it: I desire not to live in this corrupt age. I foresawe and foretold the late

changes, and now easily foresee what will follow after. Alas! O' God's will! It was not so in Queen Elizabeth's time: then youth had respect to old age."

And now, in 1921, who shall say that the valour and manhood of Englishmen have not stood the fiercest test ever put upon human kind, and that Englishwomen have not risen to heights of heroism beyond reach of reward or renown?

"Every Englishman," says Emerson, "is a thousand years old, and lives by his memory." Aye, and feels equipped like an ancient castle, with Norman keep, Plantagenet towers, Tudor embossed ceilings, Jacobean oak stairways, Georgian mahogany furniture, and Victorian plate-glass windows, and loves at times to rouse and refresh his recollections with such a story as is recorded in these pages, which reads like a romance, and yet is real life.

APPENDIX

*Eight aero-photographs of the Manor of Eia, recently taken
by the Central Aerophoto Company, Limited.*



I.—LOOKING EAST ACROSS HYDE PARK

In the foreground is the Westbourne or Serpentine, from where it flows into the Manor at Marlborough Gate. The long straight road up the left of the picture is the Bayswater Road and Oxford Street, which forms the northern boundary of the Manor.



II.—LOOKING EAST FROM THE MARBLE ARCH.



III.—LOOKING EAST FROM HYDE PARK ACROSS GROSVENOR SQUARE

In the foreground, Grosvenor Gate and Grosvenor House and Gardens.



IV.—LOOKING EAST FROM HYDE PARK OVER MAYFAIR INTO THE GREEN PARK ON THE RIGHT



V.—LOOKING OVER BUCKINGHAM PALACE TOWARDS HYDE PARK CORNER, GROSVENOR PLACE
AND BELGRAVE SQUARE



VI.—LOOKING EAST FROM THE SERPENTINE TOWARDS BELGRAVIA



VII.—BELGRAVIA AND PIMLICO



VIII.—LOOKING DOWN THE THAMES ALONG THE SOUTHERN BOUNDARY OF THE MANOR



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